

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NANTICOKE HOMES,	§	No. 522, 2003
	§	
Employer-Appellant,	§	Court Below: Superior Court of
	§	the State of Delaware in and for
v.	§	Sussex County
	§	
CURTIS MILLER,	§	C. A. No. 02A-09-003
	§	
Employee-Appellee.	§	

Submitted: February 3, 2004
Decided: February 11, 2004
Modified: March 4, 2004

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices.

MODIFIED O R D E R

This 4th day of March 2004, upon consideration of the briefs of the parties, it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in its decision dated September 29, 2003.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice