

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LINDA H. WILKINSON,	§	
	§	No. 48, 2012
Claimant Below,	§	
Appellant,	§	
	§	Court Below: Superior Court
v.	§	of the State of Delaware,
	§	in and for New Castle County
GENERAL MOTORS	§	
CORPORATION,	§	C. A. No. N11A-05-009
	§	
Employer Below,	§	
Appellee.	§	

Submitted: May 16, 2012

Decided: June 22, 2012

Before **HOLLAND, BERGER** and **JACOBS**, Justices.

**ORDER**

This 22<sup>nd</sup> day of June, 2012, on consideration of the briefs of the parties, it appears to the Court that:

1) Linda Wilkinson appeals from an Industrial Accident Board (IAB) decision, which was affirmed by the Superior Court, denying her claim for additional disability compensation. She argues that the IAB erred in finding that her injuries were unrelated to her June 2004 work accident, and that its denial of payment for prescription drug expenses was not based on substantial evidence.

2) On June 24, 2005, while working at a General Motors, Corp. plant, Wilkinson slammed her foot into a ramp and ruptured the Achilles tendon in her left ankle. Despite two surgeries to repair her leg, Wilkinson continued to suffer burning pain and other symptoms. She was diagnosed with Complex Regional Pain Syndrome (CRPS), and has been unable to return to work since the accident.

3) In a July 20, 2009 decision, the IAB found that Wilkinson's symptoms involved only the lower extremities. Later that year, Wilkinson and GM agreed that her work-related CRPS had spread to her right leg. Wilkinson's condition eventually affected her hands, arms, and her left side going all the way to the top of her head. In September 2010, Wilkinson petitioned for additional disability benefits, claiming that the CRPS had spread to her upper extremities and her head. GM opposed that petition on the ground that the CRPS in her upper extremities was caused by a pre-existing condition that was not aggravated by the work accident.

4) At the hearing on her petition, Wilkinson testified that her health had been fine prior to the 2005 work accident. On cross-examination, however, she acknowledged that, between 2000 and 2004, she was treated for a burning sensation in her left hand, as well as sensory symptoms in her left leg, left arm, and the left side of her face. During that period, she also complained of neck stiffness and severe pain and numbness on the left side of her body.

5) Dr. Ronald Goodman, Wilkinson's primary care physician, testified that the CRPS spread to her upper extremities and her head as a result of her work injury, and that the medical expenses she incurred were reasonable and necessary. Dr. Steven Mandel, GM's expert, testified that Wilkinson's then-current symptoms were similar to symptoms she exhibited before the work accident. He was unable to state with medical probability that Wilkinson's upper extremities and head symptoms were related to the work accident.

6) The IAB rejected Wilkinson's and Goodman's testimony. It noted that Wilkinson was evasive and that her claim that she had been "fine" prior to the 2005 work accident was belied by her admission that she had suffered pain, numbness, and other sensory symptoms for four years before the accident. As to Goodman, the IAB pointed out that he did not acknowledge his own medical records showing that he had been treating Wilkinson for similar symptoms since 2001. According to the IAB, "[t]he lack of review and disclosure greatly detract[ed] from the veracity of [Goodman's] opinion."<sup>1</sup>

7) Wilkinson had the burden to prove, by a preponderance of the evidence, that her work accident was at least one of the causes of her current condition.<sup>2</sup> Mandel,

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<sup>1</sup>Appellee's Appendix, B-168.

<sup>2</sup>*Reese v. Home Budget Center*, 619 A.2d 907, 910 (Del. 1992).

whose testimony was accepted by the IAB, was unable to opine whether Wilkinson's condition was related to her work accident. There was no other medical evidence that was accepted by the IAB. As a result, it correctly concluded that Wilkinson did not meet her burden of proof.

8) Wilkinson also argues that the IAB erred in rejecting her claims for medical expenses. Goodman testified that the expenses were reasonable and necessary, and there was no testimony to the contrary. According to Wilkinson, the IAB was not free to ignore undisputed medical evidence.

9) The problem with this argument is that it ignores the IAB's primary finding – Wilkinson failed to prove that her current condition is related to her work accident. Reasonable medical expenses are compensable only if they are necessitated by a work-related injury.<sup>3</sup>

NOW, THEREFORE, IT IS ORDERED that the Superior Court judgment affirming the decision of the Industrial Accident Board is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>3</sup>See: 19 *Del C.* § 2322.