

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID SMITH,	§
	§ No. 544, 2012
Claimant Below,	§
Appellant,	§ Court Below – Superior Court
	§ of the State of Delaware,
v.	§ in and for Sussex County
	§ C.A. No. S11A-11-004
PENINSULA OIL & PROPANE,	§
	§
Employer Below,	§
Appellee.	§

Submitted: January 10, 2013

Decided: January 16, 2013

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

**ORDER**

This 16th day of January 2013, the Court having considered this matter on the briefs has determined that the final judgment of the Superior Court should be affirmed on the basis of and for the reasons assigned by the Superior Court in its decision dated September 4, 2012.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland  
Justice