

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CITISTEEL USA,

Employer Below,  
Appellant,

v.

TONY HERRING,

Employee Below,  
Appellee.

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No. 719, 2002

Court Below—Superior Court  
of the State of Delaware,  
in and for New Castle County  
C.A. No. 02A-02-010

Submitted: May 6, 2003

Decided: May 7, 2003

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

O R D E R

This 7th of May 2003, it appears to the Court as follows:

- 1) The Court has considered this matter after briefing and oral argument.
- 2) We have determined that to the extent the issues raised on appeal are factual, the record evidence supports the Industrial Accident Board's factual findings.
- 3) We have also determined that to the extent that the issues raised on appeal are legal, they are controlled by settled Delaware law, which was

properly applied by the Industrial Accident Board and the Superior Court.<sup>1</sup>

4) This Court has concluded 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 December 2, 2002.

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

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<sup>1</sup> See *State v. Cephas*, 637 A.2d 20 (Del. 1994).