

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

|                                    |                               |
|------------------------------------|-------------------------------|
| Raul Galban,                       | :                             |
| Petitioner                         | :                             |
|                                    | :                             |
| v.                                 | :                             |
|                                    | :                             |
| Workers' Compensation Appeal Board | :                             |
| (Carpenter Technology Corp.),      | : No. 814 C.D. 2007           |
| Respondent                         | : Submitted: October 12, 2007 |

BEFORE: HONORABLE DAN PELLEGRINI, Judge  
HONORABLE JAMES GARDNER COLINS, Senior Judge \*  
HONORABLE JOSEPH F. McCLOSKEY, Senior Judge

**OPINION NOT REPORTED**

**MEMORANDUM OPINION  
BY SENIOR JUDGE COLINS**

**FILED: January 24, 2008**

Raul Galban (Claimant) petitions for review of an order of the Workers' Compensation Appeal Board (Board) that affirmed a decision of a Workers' Compensation Judge (WCJ) that granted a Termination Petition filed by Carpenter Technology Corporation (Employer).

The facts as found by the WCJ are as follows. Claimant sustained a work-related injury to his left shoulder on October 5, 2001. Although Employer initially filed a Notice of Compensation Denial, a subsequent agreement between Claimant and Employer for compensation for disability or permanent injury indicates that Claimant's injury was a partial tear of the left rotator cuff entitling Claimant to temporary total disability benefits. Later agreements between

\*The decision in this case was reached after the date that Judge Colins assumed the status of senior judge.

Claimant and Employer altered Claimant's benefit rate by altering the description of his benefits to temporary partial disability; however, the most recent agreement was dated May 12, 2003 which reinstated Claimant's benefit status to temporary total disability, effective on May 23, 2003.

During the period Claimant was working modified duties in accordance with his temporary partial disability status, he sustained a distinct work-related injury to his back. A separate agreement between Claimant and Employer recognizes that Claimant sustained this injury on February 23, 2003, with an effective date of April 3, 2003, and that the injury consists of a lumbar sprain and strain.<sup>1</sup>

Employer's petition sought to terminate Claimant's benefits for his earlier shoulder injury and his later lower-back injury. Claimant also filed two petitions: One petition sought a penalty against Employer for allegedly failing to pay medical bills related to the 2001 shoulder injury; the other petition sought a penalty against Employer for allegedly failing to pay medical bills related to Claimant's lower-back injury. However, the resolution of Claimant's petitions is not at issue in this appeal.

The WCJ found Claimant's testimony credible and competent. He determined that the testimony of Employer's medical expert on the issue of Claimant's shoulder injury was incompetent because that expert would not recognize the rotator-cuff work-related shoulder injury reflected in the Compensation Agreement. Thus, he denied Employer's petition seeking termination of Claimant's benefits for his shoulder injury. However, the WCJ

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<sup>1</sup> However, as the WCJ noted, since the status of Claimant's initial injury had been returned to temporary total disability, he was already receiving a higher weekly benefit than he would have received for the new injury alone.

found Employer's witness more credible than Claimant's medical witness on the issue of the lower back injury. The WCJ reasoned that Claimant had not seen his physician regarding the back pain until months after the injury occurred. Further, Employer's medical witness opined unequivocally that Claimant had recovered fully from the back sprain or strain recognized in the compensation agreement. Because the WCJ found Employer's witness credible on this issue, and rejected the testimony of Claimant's witness, he concluded that the evidence supported a termination of benefits for the lower back injury, but not for the shoulder injury.

In this appeal, the Claimant raises the following two issues: (1) whether the Board erred in affirming the WCJ's finding that there was no testimony to support a finding that Claimant sustained a work-related injury other than a sprain or strain; and (2) whether the Board erred in concluding that the WCJ, in the absence of medical testimony to support his statement that back sprains and strains generally resolve in less than two years, reasonably concluded that Claimant had recovered from his back injury.<sup>2</sup>

With regard to the first issue, Claimant asserts that the WCJ erred by concluding that there was no evidence to support a finding that Claimant's work-related back injury was any more serious than a back sprain or strain. However, because the injury described in the back-related compensation agreement listed only a back sprain or strain, the sole initial issue before the WCJ was whether that work-related injury had resolved. There was substantial evidence to support the WCJ's finding regarding the resolution of this injury. Because the competent and substantial evidence he relied upon was sufficient to support his finding that

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<sup>2</sup> This Court's standard of review of a Board's decision is limited to determining whether substantial evidence supports necessary factual findings, and whether any errors of law or constitutional violations were committed. 2 Pa.C.S. §704.

Claimant had recovered from his back disability, we conclude that the Board did not err in affirming the WCJ in this regard.

The second and final issue Claimant raises (worded differently in his discussion) -- whether the Board erred in concluding that the WCJ's finding regarding the usual time for resolution of a back sprain or strain was reasonable --- really relates to the question of whether that statement by the WCJ renders his decision one that fails to satisfy the "reasoned decision" standard set forth in the Workers' Compensation Act (Act), Act of June 2, 1915, P.L. 736, *as amended*, 77 P.S. §§1-1041.4, 2501-2626.

Under Section 422(a) of the Act, 77 P.S. §834, a decision satisfies this standard if the reasoning set forth within the decision provides an adequate basis for the Board to review the decision, i.e., the Board, in considering the appeal needs no further explanation for the result, and the decision provides this Court with an adequate framework within which to consider an appellant's challenges. *Daniels v. Workers' Compensation Appeal Board (Tristate Transportation)*, 574 Pa. 61, 828 A.2d 1043 (2003). We agree with the Board that, notwithstanding the WCJ's extraneous statement, his factual findings are more than adequate to satisfy the legal requirement that he issue a reasoned decision. The WCJ clearly and cogently described the evidence submitted and provided reasonable explanations for his credibility determinations. Based upon the foregoing, we affirm the Board's decision approving the WCJ's very sound decision.

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JAMES GARDNER COLINS, Senior Judge

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| Respondent                         | :                   |

**ORDER**

AND NOW, this 24<sup>th</sup> day of January 2008, the order of the Workers' Compensation Appeal Board in the above-captioned matter is affirmed.

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JAMES GARDNER COLINS, Senior Judge