

**STATE OF VERMONT
DEPARTMENT OF LABOR**

L. C.

Opinion No. 07C-08WC

v.

Jane Dimotsis, Esq.
Hearing Officer

Schwans' Consumer Brands

Patricia Moulton Powden
Commissioner

State File No. U-13902

RULING ON MOTION TO ALLOW COSTS

In conjunction with the Commissioner's ruling in the above claim, which denied Claimant's claim for all but permanent partial disability benefits, Claimant has submitted his itemized account of costs incurred, for which he seeks reimbursement under 21 V.S.A. §678. These are awarded as follows:

1. Charges for medical records totaling \$65.98;
2. Charges for Dr. Thatcher's medical report totaling \$600.00;
3. Charges for photocopying medical records totaling \$449.60;
4. Postage charges totaling \$21.23;
5. Mileage charges totaling \$94.40.

The following costs have been reduced or disallowed:

1. Claimant seeks reimbursement for fax charges totaling \$80.00, based on a charge of \$1.00 per page. I find this amount to be excessive, particularly in light of the availability of other, more cost-effective means of conveying information, such as internet and/or e-mail resources. I therefore reduce it to \$.25 per page. *J.R. v. Benchmark Assisted Living*, Opinion No. 46A-05 (November 23, 2005). The total amount awarded, therefore, is \$20.00;

2. Claimant seeks reimbursement for \$250.00 paid to Dr. George Idelkope. As Claimant prevailed only on her claim for permanent partial disability benefits, only those costs clearly related to that aspect of the claim are recoverable. *Hatin v. Our Lady of Providence*, Opinion No. 21S-03WC (October 22, 2003). I am unable to discern whether Dr. Idelkope's charge related to the award of permanency benefits, and therefore that charge is denied;

3. Claimant seeks reimbursement for various disbursements totaling \$832.96 that are not itemized. Because there is insufficient information from which to determine whether these costs are allowable, they are denied. *G.H. v. Ethan Allen*, Opinion No. 30-06WC (July 7, 2006).

4. Claimant seeks reimbursement for photocopying charges totaling \$93.50 related to filing original pleadings in conjunction with the formal hearing. Original pleadings are not photocopies. These charges are disallowed.

The total amount allowed, therefore, is \$1,251.21. Defendant is **ORDERED** to reimburse Claimant in this amount.

DATED at Montpelier, Vermont this 13th day of March 2008.

Patricia Moulton Powden
Commissioner