

**STATE OF VERMONT
DEPARTMENT OF LABOR**

Tammy Cookson

Opinion No. 15-24WC

v.

By: Beth A. DeBernardi
Administrative Law Judge

Central Vermont Medical Center, Inc.

For: Michael A. Harrington
Commissioner

State File No. SS-57409

OPINION AND ORDER

Hearing held via Microsoft Teams on September 25, 2024
Record closed on September 25, 2024

APPEARANCES:

Tammy Cookson,¹ *pro se*
Erin J. Gilmore, Esq., for Defendant

ISSUES PRESENTED:

1. Did Claimant sustain an injury arising out of and in the course of her employment with Defendant?
2. If so, to what workers' compensation benefits has she proven her entitlement?

EXHIBITS:

None

CLAIM:

Workers' compensation benefits pursuant to 21 V.S.A. Chapter 9

PROCEDURAL HISTORY:

1. On January 10, 2023, Defendant filed a First Report of Injury (Form 1) for a mental stress injury alleged by Claimant. On January 25, 2023, Defendant filed a Denial of Benefits (Form 2) for the entire claim. On December 22, 2023, the claim was referred to the formal hearing docket for adjudication at Claimant's request.
2. The Administrative Law Judge set a pretrial telephone conference for February 6, 2024. Claimant filed her pretrial disclosures on February 5, 2024. The pretrial conference was

¹ Ms. Cookson appeared in this matter *pro se*, but she did not appear for the September 25, 2024 hearing.

then held as scheduled, with both parties participating. Following the conference, the Department sent out a scheduling order, setting a mediation deadline of July 31, 2024, a final disclosure deadline of August 21, 2024, and a formal hearing date of September 25, 2024, beginning at 9:00 AM.

3. The parties participated in mediation on July 16, 2024, but did not reach a settlement.
4. On August 7, 2024, the Administrative Law Judge wrote to the parties to remind them of the final disclosure deadline and formal hearing date and to offer to schedule a status conference if either party wanted one. Neither party requested a status conference.
5. Defendant filed final disclosures on August 21, 2024. Claimant did not file any final disclosures.
6. On August 26, 2024, the Administrative Law Judge sent another letter to the parties reminding them of the hearing date and explaining the hearing process. The letter explained that the Department would call Claimant at 9:00 AM on the hearing date, so that she could participate by telephone.
7. On September 17, 2024, the Administrative Law Judge wrote an email to the parties setting forth additional details about the hearing. The Department mailed a copy of that email to Claimant on September 18, 2024 by first class mail.
8. The hearing was convened on Wednesday, September 25, 2024, at 9:00 AM. The Administrative Law Judge called Claimant from the hearing three times, so that she could participate, but she did not answer any of those calls. Accordingly, she did not participate in the hearing and offered no evidence in support of her claim.

CONCLUSIONS OF LAW:

1. In workers' compensation cases, the claimant has the burden of establishing all facts essential to the rights asserted. *King v. Snide*, 144 Vt. 395, 399 (1984). He or she must establish by sufficient credible evidence the character and extent of the injury, *see, e.g., Burton v. Holden & Martin Lumber Co.*, 112 Vt. 17 (1941), as well as the causal connection between the injury and the employment. *Egbert v. The Book Press*, 144 Vt. 367 (1984).
2. Claimant here failed to appear at the hearing and offered no evidence in support of her claim. Accordingly, I conclude that she has failed to meet her burden of proof to establish her entitlement to workers' compensation benefits under 21 V.S.A. Chapter 9.

ORDER:

Based on the foregoing Procedural History and Conclusions of Law, Claimant's claim for workers' compensation benefits is **DENIED**.

DATED at Montpelier, Vermont this 30 day of September 2024.

Michael A. Harrington
Commissioner

Appeal:

Within 30 days after copies of this opinion have been mailed, either party may appeal questions of fact or mixed questions of law and fact to a superior court or questions of law to the Vermont Supreme Court. 21 V.S.A. §§ 670, 672.