

BEFORE THE INDUSTRIAL ACCIDENT BOARD OF THE STATE OF DELAWARE
FOR SUSSEX COUNTY, DELAWARE

CRISANTO HERNANDEZ,

Claimant,

v.

KYLE HARRIGAN-FERRO and
ALLSERVE, LLC,

Respondents.

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* IAB Hearing No. 1386824

* Date of Accident: 8/17/2012

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ORDER

IT APPEARING that Respondents failed to produce any additional discovery to Claimant by December 28, 2012, in violation of the Board's Order of December 19, 2012, and that Respondents previously failed to comply with the Board's Order of November 28, 2012, the Board now implements the remedies it previously identified in its Order of December 19, 2012, as follow:

1. Judgment by default is hereby entered against Respondents Allserve, LLC, and Kyle Harrigan-Ferro, jointly and severally, on Claimant's Crisanto Hernandez's Petition for Compensation Due;
2. The hearing of January 17, 2013, shall be restricted solely to the issue of the damages or benefits due to Claimant from Respondents, and no defenses as to liability shall be considered;
3. As Respondents have failed to comply with the Board's two orders to produce the records of the payments made to other laborers who installed the roof at the site of

Claimant's injury. Respondents are barred from contesting the average weekly wage and compensation rate alleged by Claimant, which are hereby set at an average weekly wage of \$1,000 per week, and a compensation rate of \$666.67 per week.

IT IS SO ORDERED, this 9th day of January, 2013.

Robert N. Smith Mary L. Dentler
Member Member

Julia S. Beck
Hearing Officer

DATE OF MAILING: 1-10-13 (K)

cc: David A. Boswell, Esquire
Blake W. Carey, Esquire