

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-4037-12T3

LOUIS F. PANDOLFO,

Petitioner-Appellant,

v.

D&C CHEVY/HONDA,

Respondent-Respondent.

Submitted December 3, 2014 – Decided December 22, 2014

Before Judges Ashrafi and O'Connor.

On appeal from the Department of Labor and
Workforce Development, Division of Workers'
Compensation, Claim Petition No. 1998-19294.

Louis F. Pandolfo, appellant pro se.

Ann DeBellis, attorney for respondent (Ms.
DeBellis, of counsel; David P. Kendall, on
the brief).

PER CURIAM

Petitioner appeals from an order entered by a judge of
workers' compensation that denied his application for increased
disability benefits, pursuant to N.J.S.A. 34:15-27. Because the
content of petitioner's brief precludes any meaningful review,
we dismiss the appeal.

Petitioner provides little factual information in his brief and no legal argument. He claims he had been injured at work and was subsequently "awarded disability of 40%." Since then, he contends his condition deteriorated. Specifically, he has "tremendous pain" in his neck and arm, suffers from depression, and has been hospitalized several times in recent years. Without providing any details, he also complains that his attorney did not properly represent him.

Petitioner requests that the decision of the "Board of Workmans Compensation disallowing disability benefits beyond those already granted, should be reviewed on appeal and reversed, granting claimant additional benefits as appropriate given the worsened physical and mental health of claimant."

We deduce from the record that petitioner appeals from a March 26, 2013 order denying petitioner's application for increased disability benefits. Following a hearing at which petitioner, his two medical experts, and two of respondent's medical experts testified, the judge made the following findings. Petitioner filed a claim for benefits in 1996 for work-related injuries, for which he was awarded twenty-five percent of partial total in 2002 for neck, shoulder, and left hand injuries, as well as an adjustment disorder. Petitioner

re-opened his case and received an award of thirty-three and one-third percent of partial total in 2006. In 2009, he again sought an increase in benefits, and was awarded forty percent of partial total.

In 2011, petitioner filed an application for another modification, which is the subject of this appeal. After the hearing, the judge found that petitioner had not met his burden of proving that he sustained an increase in his permanent disability since his award of forty percent of partial total in 2009. Among other reasons given in support of the court's conclusions, the judge found there were inconsistencies in the petitioner's proofs that "call[ed] into question" his credibility.

While petitioner asks that we reverse the court's decision, his brief, which is devoid of reference to any legal authority and citations to the record, fails to provide any factual or legal bases to warrant a reversal. He does not specify how the judge erred, let alone identify any reversible errors. Because petitioner did not provide any reasons why the decision should be modified or overturned, we are constrained to dismiss this appeal. See Nextel of N.Y., Inc. v. Englewood Cliffs Bd. of Adj., 361 N.J. Super. 22, 45 (App. Div. 2003) (holding that the court will not consider an issue that is based on mere

conclusory statements); State v. Hild, 148 N.J. Super. 294, 296
(App. Div. 1977) (holding that parties have a duty to justify
their positions by specific reference to legal authority).

Dismissed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION