

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CASSANDRA REGIS,)
) No. 413, 2004
 Appellant,)
) Court Below: Superior Court
 v.) of the State of Delaware in
) and for New Castle County
 DAIMLERCHRYSLER)
 CORPORATION,) C.A. No. 03A-06-002
)
 Appellee.)

Submitted: January 26, 2005

Decided: February 14, 2005

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 14th day of February 2005, on consideration of the parties' briefs, it appears to the Court that:

1. Cassandra Regis appeals a judgment of the Superior Court upholding a decision of the Industrial Accident Board in favor of her employer, Appellee Daimler Chrysler Corporation. The Board denied Regis's petition for both total disability benefits and reimbursement of medical expenses, finding that Regis's on-the-job fall did not cause her injuries. Because the record demonstrates that the Board weighed equally competing sets of testimony, we find that the record provides substantial evidence to support the IAB's conclusion that Regis did not suffer a compensable accident. Accordingly, we affirm.

2. In June 2001, Regis fell while working in an automotive spraybooth at Chrysler's Newark plant, injuring her tailbone, head, and back. Before the Board, Regis claimed that she lodged her right foot in the booth's belt housing and her left foot on a nearby grate after overspraying the housing. Regis asserted that she fell while attempting to extricate her feet, which she maintained were stuck to the housing and the floor. After complaining of severe pain, Regis's supervisors sent her to Christiana Hospital for treatment.

3. At the hospital, doctors ordered a variety of tests, which revealed Regis suffered from bursitis, a partial tear to the shoulder tendon, and an upper motor-neuron lesion. By deposition, Regis's medical expert testified that the lesion had caused permanent disfigurement to her left hand. The expert maintained that these injuries rendered Regis totally disabled.

4. On cross-examination, however, Regis's expert admitted that he based his opinion in part on Regis's complaints and acknowledged that, because of a prior injury, he could not be sure that the spraybooth accident caused Regis's injuries. Chrysler's medical experts, moreover, testified that Regis's injuries were likely psychological and that she was not totally disabled. Chrysler bolstered this testimony by showing a post-accident surveillance videotape that demonstrated Regis using her left hand in a variety of situations that require a normal range of motion.

5. On appeal from the Superior Court’s review of an IAB decision, “[t]his Court, replicating the role of the Superior Court, reviews *de novo* legal issues decided by the Board and reviews factual findings to determine whether they are supported by substantial evidence.”¹ Substantial evidence is defined as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”² Credibility determinations are “exclusively reserved for the Industrial Accident Board.”³

6. In its decision, the IAB found that the spraybooth accident did not cause Regis’s injuries. In particular, the IAB credited the testimony of Wolfgang Vincent, a disabilities program manager at Chrysler. Vincent testified that because vehicles cover the housing while workers apply the paint, the housing is one of the cleanest spots in the spraybooth. He therefore questioned how Regis could trap her feet in the housing, regardless of the quantity of paint she applied. After noting that Regis was not responsible for painting underneath the cars, the Board credited Vincent’s testimony and discounted Regis’s.

¹ *Keeler v. Metal Masters Foodservice Equip. Co., Inc.*, 712 A.2d 1004, 1005 (Del. 1998), quoting *Oceanport Indus., Inc. v. Wilmington Stevedores, Inc.*, 636 A.2d 892, 899 (Del. 1994).

² *Id.*

³ *Breeding v. Contractors-One-Inc.*, 549 A.2d 1102, 1106 (Del. 1988); see also *Downes v. State*, 1993 Del. LEXIS 144, at *4.

7. The IAB also found that Regis was not injured to the extent she claimed. In reaching this decision, the IAB accepted the testimony of Chrysler's medical expert over that of Regis's medical expert. It is well settled in Delaware that the IAB may reject a medical expert's testimony where that testimony is primarily based on what the claimant subjectively told the expert.⁴ The IAB's finding is further bolstered by the videotape that showed Regis performing multiple tasks with her allegedly injured left hand.

8. Because the record reflects that the Board properly exercised its factfinding prerogative by examining and weighing two inconsistent, competing sets of testimony, we find that the record provides substantial evidence to support the IAB's findings. On this record, we find that the Superior Court did not err by upholding the Board's decision.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

⁴ See, e.g., *Breeding*, 549 A.2d at 1104 (“When an expert’s opinion . . . is based in large part upon the patient’s recital of subjective complaints and the trier of fact finds the underlying facts to be different, the trier is free to reject the expert’s conclusion.”) (citation omitted).