

SUPERIOR COURT OF THE STATE OF DELAWARE

Franceschi-Rodriguez v. Perdue Foods, LLC

Franceschi-Rodriguez · No. S25A-09-001 RHR · Decided May 22, 2026

SUMMARY

The Delaware Superior Court reverses, without prejudice, an Industrial Accident Board decision concerning the termination of Luis Franceschi-Rodriguez’s temporary total disability benefits. The court holds that the record established prima facie displaced-worker status based on his injury-related sedentary restrictions, Spanish-language barrier, and lack of transferable skills in the Delaware labor market. The court further concludes that the employer’s labor-market survey did not identify suitable employment within his restrictions.

CASE DETAILS

COURT	Superior Court of the State of Delaware
WRITING FOR THE COURT	Robinson, J.
JURISDICTION	Delaware Superior Court
DECIDED	May 22, 2026
DOCKET	S25A-09-001 RHR
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from the Delaware Industrial Accident Board's decision terminating the appellant's temporary total disability benefits after finding that he was not a displaced worker.
STANDARD OF REVIEW	The court reviews the Board's decision for errors of law and determines whether substantial evidence supports its factual findings and conclusions of law. The court does not reweigh evidence, determine credibility, or make factual findings, and gives deference to the Board's experience and specialized competence.
PRECEDENTIAL VALUE	published
PARTIES	Luis Franceschi-Rodriguez v. Perdue Foods, LLC

TOPICS

- workers compensation
- judicial review of agency action
- standard of review
- appellate procedure
- remedies

PRACTICE AREAS

workers compensation

employment law

administrative law

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the Industrial Accident Board erred in finding that Franceschi-Rodriguez was not a prima facie displaced worker.
2. Whether substantial evidence supported the Board's determination that Franceschi-Rodriguez's education and prior work experience made him employable outside general labor despite his physical restrictions and English-language barrier.
3. Whether Perdue established available employment opportunities and earning capacity within Franceschi-Rodriguez's actual physical and vocational restrictions.

HOLDINGS

1. A language barrier alone is insufficient to establish that an employee is prima facie displaced, but it is a relevant factor that must be considered together with the employee's physical injury, age, education, background, occupational experience, and the availability of suitable work.
2. Franceschi-Rodriguez established prima facie displacement by proving that he was effectively an unskilled general laborer who could no longer perform general labor because of his compensable injury.
3. The Board's conclusion that Franceschi-Rodriguez was not prima facie displaced was not supported by substantial evidence and had to be reversed.
4. Perdue failed to establish available employment opportunities and earning capacity within Franceschi-Rodriguez's actual physical, language, and vocational restrictions.

KEY QUOTATIONS

"The primary issue the parties seek to have this court address is focused on Franceschi-Rodriguez's language barrier. This court agrees with the Board's finding that a language barrier alone is not sufficient to prove an employee is prima facie displaced." (13)

"After Perdue met its initial burden—which is undisputed—the record shows that Franceschi-Rodriguez met his burden of proving he is a prima facie displaced worker by establishing he is unskilled and can no longer work in general labor because of his injury." (14)

"A showing of physical ability to perform certain appropriate jobs and general availability of such jobs is, in this Court's opinion, an insufficient showing of the availability of said jobs to a particular claimant and that a showing of this latter factor is necessary to satisfy the burden of proving that total disability has terminated." (21)

FACTUAL BACKGROUND

Franceschi-Rodriguez, a Spanish-speaking native of Puerto Rico, sustained compensable right upper-extremity injuries while repeatedly lifting approximately fifty-nine-pound chicken boxes at Perdue. After surgery, he was released to permanent sedentary work with restrictions against overhead use of his right arm and lifting, pulling,

or pushing more than ten pounds. His Puerto Rican respiratory-therapy education and certification could not transfer to Delaware without additional English-language education and testing, and a labor-market survey identified no suitable job within his actual restrictions and language capabilities.

PROCEDURAL HISTORY

Perdue petitioned the Industrial Accident Board to terminate Franceschi-Rodriguez's temporary total disability benefits, asserting that he was physically able to work. After a hearing, the Board found that he was not prima facie or actually displaced, but awarded partial disability at the total-disability rate because Perdue had not established his earning capacity within his restrictions. Franceschi-Rodriguez timely appealed to the Superior Court, which reversed the Board's decision without prejudice.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand was ordered. The reversal was without prejudice, allowing Perdue to file a new petition for review based on contemporaneous employment opportunities if it chooses to do so.

CASES CITED

- Foodliner v. Hidinger, 2025 WL 2795866, at *5-*6 (Del. Super. Ct. Sept. 30, 2025)
- Quality Assured Inc. v. David, 2022 WL 17442738, at *3 (Del. Super. Ct. Dec. 6, 2022)
- Stanley v. Kraft Foods, Inc., 2008 WL 2410212, at *2 (Del. Super. Ct. Mar. 24, 2008)
- Histed v. E.I. duPont de Nemours & Co., 621 A.2d 340, 342 (Del. 1993)
- Johnson v. Chrysler Corp., 213 A.2d 64, 66 (Del. 1965)
- Smith v. Allen Foods, 2026 WL 383832, at *1, *3 (Del. Super. Ct. Feb. 11, 2026)
- Miranda v. DuPont, 2000 WL 303317, at *2 (Del. Super. Ct. Feb. 29, 2000)
- Wyatt v. State, 1998 WL 283469, at *4 (Del. Super. Ct. Mar. 27, 1998)
- Hensley v. Artic Roofing, Inc., 369 A.2d 678, 679 (Del. 1976)
- Hooten v. Blue Hen Disposal, 2023 WL 1433129, at *7 (Del. Super. Ct. Feb. 1, 2023)
- Hutchens v. Town of Milton, 1996 WL 658813, at *4 (Del. Super. Ct. Oct. 8, 1996)
- Ham v. Chrysler Corp., 231 A.3d 258, 261 (Del. 1967)
- Martinez v. Propak Logistics, LLC, 2007 WL 3105817, at *3 (Del. Super. Ct. Oct. 2, 2007)
- Yoder v. Twin River Management Group, Inc., 2025 WL 2207447, at *4, *7 (Del. Super. Ct. Aug. 4, 2025)
- Sabo v. Pestex, Inc., 2004 WL 2735457, at *6 (Del. Super. Ct. Oct. 28, 2004)
- Abex Corp. v. Brinkley, 252 A.2d 552, 553 (Del. Super. Ct. Apr. 3, 1969)
- Adams v. Shore Disposal, Inc., 720 A.2d 272, 273 (Del. 1998)
- Zdziech v. Delaware Authority for Specialized Transportation, 1988 WL 109338, at *4 (Del. Super. Ct. Oct. 13, 1988)

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