

Jane A. Lombard
Attorney at Law

WORKERS' COMPENSATION ONE-LINERS DECEMBER, 2003

Average Weekly Wage

Hannaberry HVAC v. WCAB,
834 A.2d 524

Pa Supreme Court reverses Commw. Ct. holding the humanitarian purposes of the Act and an "ambiguity" in Section 309 (d) permit exclusion of three quarters of part time earnings allowing claimant's, a quadriplegic, AWW to be based only on a single quarter of full time work; Court reasons legislative intent was to insure accurate reflection of earnings.

Coverage

SWIF v. WCAB,
833 A.2d 343

Commw. Ct. holds insurer's policy was not void as it failed to prove insured knowingly made false statements or knowingly failed to disclose information material to the risk being insured.

Penalty

McGuire v. WCAB,
834 A.2d 668

Commw. Ct. affirms assessment of penalty where claimant's benefits were modified to reflect a pension credit four days before Notice of Benefit Offset form was sent to claimant as notification of offset must be provided 20 days before credit is taken.

Specific Loss

Maple Creek Mining Co. v. WCAB,
834 A. 2d 1198

Decision of WC Judge denying employer's petition to modify claimant's ankle injury to a specific loss of the foot is affirmed by Commw. Ct. as loss of use of an ankle is not a scheduled loss under Section 306 (c); the Act does not define the foot as including the ankle.

Utilization Review

Havenstrite v. WCAB
833 A.2d 1174

Commw. Ct. affirms dismissal of claimant's petition to review utilization review which found chiropractic treatment not reasonable or necessary in part due to treating chiropractors inadequate documentation, despite reviewer's failure to comply with regulation requiring that provider be contacted, as the WC Judge can cure any deficits in the reviewing process with a hearing de novo.

HAPPY HOLIDAYS

*Jane Lombard Chuck Katz Steve Harlen
Paul Pauciulo Sheilah Tone Debra Matherne*