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WORKERS' COMPENSATION ONE LINERS DECEMBER 2002

INTEREST:

Hauling v. WCAB,
809 A.2d 459 (Pa. Commw. Ct. 2002)

Commonwealth Court holds that employer is entitled to ten percent statutory interest from wc carrier where employer paid wage loss and medical benefits finding under Section 319 it "stands in the shoes of the claimant."

PENALTY:

McLaughlin v. WCAB,
808 A.2d 285 (Pa. Commw. Ct. 2002)

Commonwealth Court reverses Board and approves penalty, holding carrier unilaterally ceased payment of medicals without benefit of a supersedeas as it indicated in response to a request for pre-approval of surgery that, "no further treatment would be authorized."

PHYSICAL EXAMINATION:

Coleman v. WCAB,
808 A.2d 336 (Pa. Commw. Ct. 2002)

Court rules that employer is entitled to a physical exam which includes non invasive diagnostic testing as IME is a means of fact finding to determine extent of disability and diagnostic testing will aid that determination.

SUSPENSION:

USA Airways and Reliance v. WCAB,
808 A.2d 1064

Commonwealth Court reverses Board holding a challenge petition pursuant to a Notification of Suspension under Section 413 effectively constitutes a request for supersedeas such that the employer can produce evidence of a status change, the inquiry is not limited to simply whether the claimant has returned to work, and length of time at work; employer can demonstrate the reason why claimant stopped working.

TERMINATION:

Weaver v. WCAB,
808 A.2d 604

Commonwealth Court affirms decision granting termination, holding that a medical report submitted by claimant was inadmissible hearsay, despite the fact that claimant had returned to work and question was whether suspension would remain in effect, as employer was potentially liable for reinstatement for a period of total disability in excess of 52 weeks.

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