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WORKER'S COMPENSATION ONE-LINERS OCTOBER, 2003

Aggravation/Recurrence:

South Abington Township v. WCAB,
831 A.2d 175

Commw. Ct. affirms decision below which granted claim petition finding evidence supported an aggravation where claimant had been working without loss of earnings; Court held apportionment between carriers was inappropriate where the loss of earnings was demonstrated to be solely due to the new injury, Court reasons that the Act does not attempt to allocate responsibility based on relative contributions of separate injuries to a single disabling condition, responsibility is allocated based on the impact of a given incident on earning power.

Course and Scope/Late Answer:

Bensing v. WCAB,
830 A.2d 1075

Commw. Ct. rules that claimant injured in a motor vehicle accident while car pooling to job site was not in the course and scope of his employment, Ride Share Act precludes recovery; despite employer's late answer it was not precluded from raising questions of law.

Statute of Limitations:*

Harley Davidson, Inc. v. WCAB,
829 A.2d 1247

Commw. Ct. affirms decision which found the statute of repose was tolled where claimant received treatment from company doctor within three years of filing claim petition as company's doctor's salary can be construed as payment of medical benefits to the claimant; Court found requisite intent on the part of employer to compensate claimant for work injury stressing it is not necessary that payments come from WC carrier.

South Hills Movers v. WCAB,

829 A.2d 1263

Commw. Ct. affirms dismissal of employer's suspension petition where post injury job offer imposed a new commuting obligation on claimant which employer failed to demonstrate claimant could meet, thus rendering proposed job not actually available.

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

*For another case dealing with payment of medical bills tolling of the statute of limitations see City of Philadelphia v. WCAB (Brown), 830 A.2d 649.