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WORKERS' COMPENSATION ONE-LINERS NOVEMBER 2003

MODIFICATION:

City of Philadelphia vs. WCAB,
831 A.2d 577

Pa. Supreme Court, analyzing two cases involving City fire fighters, holds temporary suspension of pension benefits upon a return to available work does not constitute a loss of "qualitative benefits" under St. Joe's Container thereby permitting a modification of compensation; the Court reasons just as any other worker must chose between continuing employment or retirement, so must a claimant.

PENALTY PETITION:

Lincow v. WCAB,
832 A.2d 569

Provider, claimant's treating doctor, lacked standing to bring a penalty petition where claimant and employer entered compromise and release agreement to conclude employer's liability for medical expenses where provider was pursuing petition to review utilization review determination.

REASONED DECISION:

Ranbar Technology v. WCAB,
831 A.2d 751

Commw. Ct. addresses reasoned decision requirement as articulated in Daniels case stressing WCJ must clearly state reasons for credibility determinations so that the reviewing body is not left to "imagine" why a witness is accepted or rejected; although the Court in O'Donnell is highly critical of the Judge's findings which resulted in denial of claimant's review petition, it stated the Judge was not bound by its preferences.

O'Donnell v. WCAB,
831 A.2d 784

SPECIFIC LOSS:

Faulkner Cadillac v. WCAB,
831 A.2d 1248

Where claim for specific loss and claim for temporary total disability arise from separate, unrelated events, Commw. Ct. holds concurrent payment of the awards which exceeds statutory maximum is permissible as an award under Section 306 (c) is not tied to a loss of earning power.

UTILIZATION REVIEW:

Gallie v. WCAB,
831 A.2d 1263

As Section 306 (f.1) (6) (iv) does not specify whose receipt of UR report triggers 30 day filing of petition to review, Commw. Ct. holds in a case of first impression, that the petition is timely filed if done within 30 days of either Department's receipt or petitioning parties' receipt, whichever is later.

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