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WORKERS' COMPENSATION ONE-LINERS MARCH, 2004

AWW:

Weikel v. WCAB, 840 A.2d 1082
(Pa. Commw. Ct. 2004)

Commw. Ct. excluded from average weekly wage calculation "flex dollars" given to claimant which were spent on health care benefits; if "flex dollars" had not all been spent balance would have been received and taxed as wages thereby requiring a different outcome.

Compromise and Release:

Coyne Textile v. WCAB, 840 A.2d
372 (Pa. Commw. Ct. 2003)

Employer permitted to proceed on its petition for termination to establish basis for supersedeas fund recovery where it entered compromise and release agreement to resolve future claims, but, specifically reserved for ruling by the WC Judge its termination petition; Commw. Ct. reversed WCAB finding the explicit terms of the Compromise and Release contemplated settlement of benefits beyond the dates in the pending petition.

Hearing Loss:

Williams v. WCAB, 841 A.2d 164
(Pa. Commw. Ct. 2004)

Commw. Ct. rejects suggested "apportionment" method purportedly endorsed by AMA guidelines in favor of statutorily mandated binaural formula to determine if claimant has a compensable hearing loss; to utilize claimant's suggested method would result in compensating him for a non-work related hearing loss.

Review Petition:

Villanova University v. WCAB,
840 A.2d 1074 (Pa. Commw. Ct.
2004)

Commw. Ct. once again rules a review petition is the proper vehicle to amend an NCP to add conditions which develop from the compensable injury, here a nephrotic syndrome as a result of a shoulder injury, a claim petition is not necessary as the condition is not independent from the recognized injury.

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