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WORKERS' COMPENSATION
ONE-LINERS
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Appeal:

Matticks v. WCAB,
872 A.2d 196

Commw. Ct. affirmed WCAB decision to reinstate employer's appeal which was mistakenly withdrawn after compromise and release partially resolved the case as there was no prejudice to the claimant; however, it reversed Order modifying the Judge's decision as employer failed to adequately preserve issues for appeal by merely listing numbers of Findings of Fact.

Modification/Litigation Cost:

Minicozzi v. WCAB,
873 A.2d 25

Where credited medical expert testifies based on experience from his own practice that claimant can perform modified duty job even while taking pain medication, substantial competent evidence supports a modification of benefits; however, as claimant successfully delayed effective date of the modification by six months, thereby achieving a quantifiable financial benefit, litigation costs are to be paid by the defendant.

Suspension:

(termination from employment)
Brandywine Mazda v. WCAB,
872 A.2d 253

Commw. Ct. holds employer must prove available work to suspend benefits where it terminated claimant for cause, but grounds for discharge pre-dated the work injury.

(retirement)

County of Allegheny v. WCAB
872 A. 263

Commw. Ct. reversed WCAB and WCJ ruling burden is on the claimant to prove the work injury has forced removal from labor market, not just pre-injury job; absent evidence claimant continues to seek employment suspension is appropriate.

Termination:

Wieczorkowski v. WCAB,
871 A.2d 884

Employer is not estopped from seeking termination despite prior agreement that claimant was "permanently" partially disabled; as an agreement can only reflect the situation that exists at the time it is executed, res judicata operates to preclude challenges to disability only where condition is "clearly irreversible."