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WORKERS' COMPENSATION
ONE-LINERS
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Claim Petition:

Joy Global v. WCAB,
876 A.2d 1098 (Pa. Commw. Ct. 2005)

Commw. Ct. rules claim for medical benefits only can be supported with notes of a nurse practitioner under Section 422 of the Act as content of the reports would go to the weight of the evidence, not the admissibility of the evidence.

Fatal Claim:

Johns v. WCAB,
877 A.2d 525 (Pa. Commw. Ct. 2005)

Where decedent lived with claimant's children for six years, provided financial support to them, engaged in "family activities," and children considered him a father or step-father, Commw. Ct. finds requisite intent to stand *in loco parentis* was demonstrated thereby supporting an award of death benefits.

Offsets:

Pittsburgh Board of Education v.
WCAB, 878 A.2d 173 (Pa. Commw. Ct.
2005)

Commw. Ct. rules employer is not entitled to an offset for social security retirement benefits where claimant applied for and became eligible for benefits in January, sustained work injury in March, and received first check from SSA (retroactive to January) in May; despite clear statutory language in Section 204 of WC Act, Court relies on SSA language to find entitlement is equivalent to receipt.

Supersedeas Fund:

Bureau of WC v. WCAB (Consolidated
Freightways, Inc.), 876 A.2d 1069 (Pa.
Commw. Ct. 2005)

Commw. Ct., distinguishing their holding in Wausau, affirms WCAB finding employer is able to recoup benefits erroneously paid to the claimant from Supersedeas Fund after reversal of an award on a petition for reinstatement despite period of benefits at issue pre-date filing request for supersedeas.

Termination:

Jackson v. WCAB, 877 A.2d 498 (Pa.
Commw. Ct. 2005)

Employer's medical evidence is deemed sufficient to support a termination of benefits despite IME physician's failure to address all established injuries since claimant failed to complain about all injuries, was no longer treating for all injuries, and her own testifying doctor did not find an ongoing injury involving all recognized body parts.

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