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WORKERS' COMPENSATION
ONE-LINERS
NOVEMBER, 2005

Act 57 (Forms):
Allegis Group v. WCAB,
882 A.2d 1 (Pa. Commw. Ct. 2005)

Although the WC Judge believed employer's medical evidence and found claimant was offered a light duty job, Commw. Ct. reversed the denial of the claim petition as TNCP converted for failure to timely issue notice stopping TNCP, and failure to send required Notice of Ability to Return to Work (LIBC 757) form prior to making job offer.

Average Weekly Wage:
Reifsynder v. WCAB,
883 A.2d 537 (Pa. 2005)

Continuing their theme that the average weekly wage calculation should "accurately capture a claimant's economic reality," the Pennsylvania Supreme Court reversed the Commw. Ct. holding Section 309 (d), not Section 309 (d.2) is properly utilized to determine average weekly wage of long term employees subject to periodic lay-off; the Court reasoned the lay-offs are part of the employee's reality and their employment relationship continued during the lay-off.

Credit:
Kramer v. WCAB,
883 A.2d 518 (Pa. 2005)

Pa. Supreme Court reverses Commw. Ct. holding all employers, not just self-insured employers, are entitled to a credit for severance benefits as provided in Section 204 (a).

Compromise and Release:
Facchine v. WCAB,
883 A.2d 720 (Pa. Commw. Ct. 2005)

Court affirmed denial of a Petition to Approve Compromise and Release Agreement sought by executrix of decedent's estate; although evidence supported decedent agreed with and understood the proposed settlement it was not reduced to a writing; not executed; and not presented to the WC Judge as required by Section 449 of the Act.

Happy Holidays,

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