

**Jane A. Lombard**  
*Attorney at Law*

## **WORKERS' COMPENSATION ONE- LINERS JANUARY, 2006**

Act 57 Forms:

Secco Inc. V. WCAB (Work),  
886A.2d 1160 (Pa. Commw. Ct. 2005)

The purpose of the LIBC 757, Notice of Ability to Return To Work, is to share new medical information about claimant's ability to work; issuance of the form is a threshold obligation to obtaining suspension or modification; where LIBC 757 is sent after a job offer letter, Commw. Ct. holds the employer does not satisfy its burden of proof and claimant's benefits continue.

IRE:

Gardner v. WCAB, (Genesis Health Ventures)\*  
20 PAWCLR 229 (Pa. 2005)

The Pa. Supreme Court affirms Commw. Ct.'s ruling that if IRE is not requested within 60 days of claimant's receipt of 104 weeks of TTD automatic status change option is lost, however, status change can still be pursued through "traditional administrative process."

Remand:

Teter v. WCAB (Pinnacle Health Systems),  
886 A.2d 721 (Pa. Commw. Ct. 2005)

So long as WC Judge's decision is consistent with remand order, Judge is not bound by prior credibility determinations.

Review:

Knouse v. WCAB (G.O.D. Inc.),  
886 A.2d 329 (Pa. Commw. Ct. 2005)

Commw. Ct. reverses WCAB's decision holding doctrine of res judicata does not apply where Judge grants the review petition to clarify description of the work injury as a "annular disruption" despite initial decision finding the injury was a "lumbar strain," as medical evidence accepted as credible found a lumbar strain is "best described as an annular disruption."

*Jane Lombard Chuck Katz Steve Harlen Paul Pauciulo  
Sharon McGrail-Szabo Sheilah Tone Debra Matherne Thomas Ollason*

\*See attached WC Alert re: Gardner v. WCAB