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WORKERS' COMPENSATION ONE- LINERS FEBRUARY, 2006

Mental/Physical Injury:

Panyko v. WCAB (U.S. Airway),
888 A.2d 724 (Pa. 2004)

Pa. Supreme Court reverses Commw. Ct. and awards benefits to claimant for heart attack caused by his reaction to a meeting with his supervisor; Court refused to extend the abnormal work condition test to a "purely physical injury resulting from a psychic reaction" limiting that test to psychic injuries with related physical symptoms.

Modification:

Trimmer v. WCAB (Monaghan Township),
889 A.2d 141 Pa. Commw. Ct. 2005

*Petition for allowance of appeal is pending

Despite the fact that the claimant has been working as a self-employed garage supervisor for over ten years, Commonwealth Court awarded him total disability benefits holding employer failed to sustain its burden of proof on its modification petition where the vocational expert did not consider earnings of an "impaired" garage supervisor when imputing an earning capacity to the claimant.*

Supersedeas Fund Reimbursement:

Department of Labor and Industry v.
WCAB (Excel Logistics),
20 PA WCLR 241 (Pa. 2005)

Pa. Supreme Court affirms Commw. Ct. holding that supersedeas fund reimbursement is not available to an employer where it successfully prosecutes a petition for forfeiture for refusal of reasonable medical services as that petition is under Section 306 (f.1) (8) outside the statutorily permitted criteria for reimbursement.

Suspension:

Blong v. WCAB (Fluid Containment),
20 PAWCLR 242 (Pa. Commw. Ct. 2006).

Commw. Ct. holds claimant's benefits are properly suspended where he voluntarily removed himself from the labor market by moving to New Zealand; the Court reasons that demonstration of an earning power in the area where the claimant had lived and worked would be a futile exercise where claimant has moved to another continent with no indication that he plans to return as same is the equivalent of being incarcerated or retired.

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