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WORKERS' COMPENSATION ONE- LINERS MARCH, 2006

Claim Petition:

City of Philadelphia v. WCAB (Cospelich),
21 PAWCLR 7 (Pa. Commw. Ct. 2006)
decided 02/15/06

Commonwealth Court affirms grant of claim petition for payment of medical bills to firefighter who contracts hepatitis C but sustained no wage loss; the Court stresses WC Act requires payment for medical expenses regardless of disability status and employer must issue "med only" NCP or NCD in a "med only" claim.

Penalty:

Snizaski v. WCAB (Rox Coal Co.),
21 PAWCLR 1 (Pa. 2006)
decided 02/22/06

Pennsylvania Supreme Court affirms Commonwealth Court's holding WCJ abused his discretion in assessing a penalty on employer for failure to pay benefits within 30 days of order where employer timely requested supersedeas; the Board's supersedeas regulations which were properly promulgated and are complementary to the Act's provisions have the force of law.

Reinstatement:

Acme Markets, Inc. v. WCAB (Brown),
890 A.2d 21 (Pa. Commw. Ct. 2006)

Self employed real estate appraiser is granted reinstatement for payment of temporary partial disability benefits insofar as Workers' Compensation Judge found his testimony credible on the issue of fact presented, such that his net income rather than his gross income is to be used to establish his earning power.

Suspension:

Virgo v. WCAB (County of Lehigh-Cedarbrook), 890 A.2d 13 (Pa. Commw. Ct. 2005)

Commonwealth Court affirms suspension of benefits and denial of reinstatement where employer proves claimant, while on light duty, was discharged for cause; Court rules that while employer is not held to the unemployment compensation strict willful misconduct standard, some proof of misdeeds is necessary to show "bad faith" in the performance of claimant's job to avoid reinstatement of compensation.

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