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March 4, 2011

SPECIAL PENNSYLVANIA WORKERS' COMP LAW ALERT

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THE EMPLOYER'S ISSUANCE OF A BOX FOUR NOTICE OF WORKERS' COMPENSATION DENIAL DOES NOT ESTOP THE EMPLOYER FROM DENYING A WORK PLACE INJURY

Shawn Morrison v. W.C.A.B. (Rothman Institute); 403 C.D. 2010;
filed November 23, 2010; by Judge McCullough.

The employer issued a Notice of Workers' Compensation Denial, acknowledging that a low back injury took place but denying that the claimant was disabled as a result of the work injury. The claimant then filed a Claim Petition. During litigation of the Claim Petition, the employer presented evidence that the claimant was terminated from his job for performance reasons. In addition, evidence was presented from the employer that the claimant never notified his supervisor of a work-related injury or the need for physical accommodations. The Workers' Compensation Judge denied the Claim Petition, and the Workers' Compensation Appeal Board affirmed.

At the Commonwealth Court level, the claimant argued that the Notice of Compensation Denial issued by the employer acknowledged the claimant suffered a work injury and that the employer should be estopped from denying the injury. The court, however, rejected this argument and dismissed the claimant's appeal. According to the court, although the denial acknowledged an injury, the claimant failed to establish that the injury was disabling, which the court said was always part of a claimant's burden of proof for a Claim Petition.

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