

Navigating Preexisting Conditions in New Jersey Workers' Compensation Claims

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By David P. Levine

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Legal Framework and Judicial Interpretations

The legal framework in New Jersey allows for compensation if an employee's preexisting condition is exacerbated by employment. The pivotal question is whether the workplace incident has "aggravated" or "accelerated" the condition. This was established in the landmark case, *Sexton v. County of Cumberland/Cumberland Manor* (2009), which clarified that for a condition to be compensable, employment must contribute to its worsening. However, employers can claim an "Abdullah credit" for any part of the disability attributable to the condition before the workplace incident, as set by *Abdullah v. SB Thomas* (1983).

Recent judicial interpretations provide further guidance. In *Smith v. H & H Transportation* (App. Div. Dec. 20, 2023), the New Jersey Appellate Division addressed an employee's claim where Donald Smith, a truck driver with a known history of back issues, suffered an injury after lifting heavy cargo. The court emphasized the necessity of obtaining pre-accident medical records and securing expert medical opinions to establish whether the work incident aggravated his preexisting condition. The court found that there was insufficient evidence to prove that the work-related injury was the direct cause of the exacerbation of Smith's back condition, thus denying him full compensation for his disability. This case underscores the complexity involved in apportioning disability, requiring the court to determine the extent to which the current disability is attributable to workplace activities versus the natural progression of the preexisting condition.

Another pivotal case, *Lopez v. Garden State Lumber* (App. Div. October 15, 2023), dealt with an employee, Maria Lopez, who had

previously undergone knee surgery. Lopez claimed that her job, which involved extensive standing and walking, aggravated her knee condition. The court focused on the need for medical evidence to clearly show that work activities, rather than the natural progression of her osteoarthritis, were responsible for the aggravation. The decision hinged on whether the job duties directly led to a worsening of her condition, with the court ultimately deciding that Lopez was entitled to partial compensation due to clear medical testimony linking her work to the aggravation of her preexisting knee issues. This case highlights the significant challenges employers and carriers face in obtaining a favorable decision (i.e., no viable workers' compensation claim) when the preexisting condition is well-documented, emphasizing the necessity of substantial medical evidence to counter claims of workplace causation.

Practical Management of Claims

These judicial interpretations underscore the necessity for a meticulous approach in handling such claims. Employers and insurers must ensure comprehensive medical records are kept, capturing an employee's health status both before and after any workplace incident. This includes all relevant medical history and post-incident documentation to assess the true impact that the job responsibilities have on the underlying condition.

Expert medical testimony plays a crucial role in these scenarios. Employers should engage professionals who can articulate the connection between specific job duties and the aggravation of conditions. The testimony should not only establish causality but also assist in apportioning disability

accurately when negotiating claims or defending against them.

Workplace assessments for ergonomics and job duties are equally important. By evaluating how work might exacerbate conditions like arthritis or back pain, employers can implement preventive measures and training, potentially reducing the likelihood of such claims. This might entail redesigning workspaces or modifying job tasks to minimize strain on employees with known conditions.

In terms of claims handling, it is vital to document incidents with detailed statements from the employee and any witnesses, secure medical evidence, and perform workplace safety evaluations where relevant. This information forms the basis for arguing the compensability of the claim, focusing on causality and the apportionment of disability. Early and detailed reporting of incidents can also mitigate the risk of claims becoming more complex or contentious over time.

Future Challenges and Strategies

Negotiating settlements or litigating claims in court requires an understanding of the nuances inherent to addressing and assessing preexisting conditions. Employers must be ready to argue for an Abdullah credit or challenge the claim's causality with well-documented evidence. This might involve presenting medical records, expert testimonies, or even workplace videos or photos to illustrate the work environment and tasks involved.

Looking ahead, the challenge lies in proving causation amidst advancing medical science, which continuously broadens our understanding of conditions, particularly in

the realm of mental health or chronic diseases. Apportionment of disability between work-related aggravation and the natural progression of a condition remains contentious, often leading to complex legal proceedings. As medical conditions become better understood, new types of claims might emerge, requiring employers to adapt their strategies for risk assessment and claims management.

Moreover, the rise of technology and remote work adds another layer of complexity. When an employee works from home, separating what is a work-related aggravation from a personal activity becomes even more challenging. This might necessitate new protocols for documenting remote work environments and activities to support or refute claims.

The integration of artificial intelligence (AI) and data analysis tools in claims management could also play a role. These technologies might offer predictive insights into

which employees are at higher risk for claims based on their job roles and known health conditions, allowing for more proactive measures in workplace design and employee wellness programs.

Navigating workers' compensation claims where preexisting conditions are involved demands a blend of legal acumen, medical insight, and strategic claims management. Leveraging recent judicial interpretations like *Smith v. H & H Transportation* and *Lopez v. Garden State Lumber* provides a helpful framework for preparation. As New Jersey's legal landscape evolves, staying informed and proactive in claims management will be key to achieving fair and effective resolutions.



David P. Levine is an associate in the workers' compensation department in the Roseland, New Jersey office of Marshall Dennehey. He may be reached at dplevine@mdwgc.com.