

Recent IWIF Success Cases at the Commission

IWIF's Legal and Claims professionals work hand-in-hand to litigate numerous cases in front of the Maryland Workers' Compensation Commission (WCC). IWIF's case preparation and defense help to keep premium costs fair by limiting unnecessary and excessive awards/claim payments. Here are summaries of recent hearing cases where the WCC ruled in favor of the policyholder and IWIF.

CASE of hypertension but no disability

The claimant, a police officer employed in Western Maryland, was diagnosed with hypertension. Pursuant to Maryland law, as a public safety officer performing police work, the claimant's hypertension was presumed to be work related. Nonetheless, the defense team argued, and the Commission agreed, that the claimant was not eligible for workers' compensation benefits because he had no date of disability, having had no change in his employment or missed time from work.

CASE of the harmless carpet

The IWIF Claims-Legal team successfully defended a claimant's attempt to establish a compensable occupational disease. The claimant, an employee of the State of Maryland, alleged that she was overcome by fumes from glue used in carpet installation at work and that she later slipped when she became dizzy, thereby injuring her knee. The defense not only presented medical evidence contradicting some of the claimant's allegations, but also presented evidence as to the non-toxic nature of the carpet and glue.

CASE of the head injury outside of work

The claimant, a tow truck driver with the insured, testified that the boom of his tow truck struck his head while he was disconnecting the truck from his car. He alleged that the incident occurred at the tow facility. IWIF's Claims and Legal defense team successfully established that the incident, in fact, happened at his home, resulting in the Commission's denial of the claim.

CASE of no TT for riding an ATV

IWIF's Claims and Legal team defended a recent claim for Temporary Total Benefits (TT) from July 2006 to present and continuing. They obtained surveillance to show that the claimant had been engaged in physically demanding activities such as operating a push mower, riding an ATV, and repairing engines. The claimant also admitted that the employer periodically asked him to return to work, but that he was not willing to give it a try. The Commission ruled for the employer and IWIF.

CASE of the neck and back injury outside of work

The claimant, a warehouse employee with a local community college, alleged that she injured her neck and back while lifting a heavy computer table. The IWIF defense, using information obtained through pre-hearing investigation, established via cross examination and use of witnesses that the claimant did not timely report the alleged incident and had mentioned she hurt herself previously outside of work.

CASE of the preexisting Pennsylvania injury

IWIF Claims and Legal teamed up for a victory in this claim involving a claimant who allegedly sustained a new accidental injury. IWIF and the employer had suspected the claimant had exacerbated a prior injury from a claim in Pennsylvania that had been settled. The claimant relied on a report and deposition testimony from a physician whose opinion was that the claimant sustained a new tear to his shoulder, distinct from his earlier injury. Our defense team relied upon the treating surgeon's report to prove causation to the earlier injury, as well as the employer's testimony that the claimant complained about the shoulder from the time he returned to work following the previous injury.

Employer's TIP: Remember, prompt and thorough investigation of the claim starts with you. Report injuries immediately. The more information IWIF has to prepare for a possible hearing, the stronger our case. Please work with your claims adjuster by staying involved throughout the claims process.