

Recent IWIF Success Cases at the Workers' Comp Commission

IWIF's Legal and Claims professionals work hand-in-hand to successfully 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 in which the WCC ruled in favor of policyholders and IWIF.

CASE of the alleged diving board accident

The employer in this claim sponsored a picnic for their employees, but did not require that employees attend. The claimant alleged that she injured her neck when she jumped off a diving board into a swimming pool near the end of the day when most people had left. The employer was present and testified about the particular circumstances of the picnic. IWIF's Claims-Legal professionals teamed up to defend this claim, asserting that the injury did not arise out of and in the course of the employment. The claim was disallowed.

CASE of intoxication up on the roof

This claim was successfully defended at the Commission, applying the intoxication defense. The evidence showed that the claimant's blood alcohol level was .22 when he fell through a hole in the roof on which he was working. The Commission's decision was appealed by the claimant and thereafter he agreed to a binding arbitration in lieu of proceeding to trial. The IWIF Claims-Legal team was successful once again in convincing the arbitrator that the alcohol was the sole cause of the accident, causing the claimant to step "into a hole that was obviously visible and that he knew was there." Once again, the claimant was barred from compensation.

CASE of the injury playing with his kids

Multiple witnesses for each side testified in this contested accidental injury claim investigated and defended by IWIF's claims and legal team. The claimant alleged he injured himself at work on a particular date and then amended the date of accident at the hearing. He presented two co-worker witnesses in an attempt to show that someone at work knew he was hurt. In defense, the owner of the company and HR director testified that they had no knowledge of the alleged injury happening at work. The owner recalled the claimant giving a history of injuring himself while playing with his kids, rather than reporting that it occurred at work. The claim was disallowed.

CASE of carpal tunnel syndrome not being causally related

The IWIF Claims-Legal team collaborated to convince the Commission that claimant's carpal tunnel condition was not causally related to a January, 2008 accident. The IWIF defense foiled claimant's attempt to convince the Commission that her failure to timely focus on her hand and wrist was because of her more significant neck injury. IWIF's good use of medical records helped to defend this case.

CASE of not knowing her left from her right

The IWIF Claims-Legal team collaborated on this claim to counter claimant's request for additional Temporary Total benefits (TT) and an orthopedic consultation. The claimant had been on TT for over eight months and compensation thereafter ceased based on a thorough IME report concluding that she could return to work. At the hearing, she complained of symptoms on the right side of her back even though the disc problem was on the left side. The claimant's credibility was diminished by her inconsistent anatomical complaints. Both the TT and the ortho consult were denied.

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.