

Recent Success Cases at the Maryland Workers' Compensation Commission

Chesapeake Employers' legal and claims professionals work in tandem to successfully litigate numerous hearing cases in front of the Maryland Workers' Compensation Commission. Our thorough case preparation, investigation and defense help to keep premium costs fair by limiting unnecessary and excessive awards or claim payments. Here are a few summaries of recent hearing cases in which the Commission ruled in our favor.

Successfully Defended

The Case of the Pre-existing Condition

In this case, Chesapeake Employers' claims and legal departments worked together to defeat a claim for compensation for accidental injury. The claimant alleged injury to the right shoulder while moving boxes. The claimant testified that no pre-existing shoulder problems were present. However, defense counsel introduced medical reports detailing prior treatment to the right shoulder, including a diagnosis of "right shoulder impingement syndrome." Counsel further noted that the claimant did not report the alleged accident to the employer until 19 days afterward, and failed to tell the treating physician of the incident until almost three months later.

The Do-it-Yourself Claim

Chesapeake Employers' claims and legal professionals prevailed before the Commission on the issues of accidental injury and occupational disease. The claimant had previously attempted to add the neck and left shoulder to a prior claim, but the Commission denied causal connection. The claimant filed this claim, alleging chronic "myofascial neck strain" due to over 15 years of repetitive trauma in the workplace. The claimant acknowledged that there was no specific work injury on the date of the claim filing, but alleged that the injury had occurred over time. Defense counsel relied on an independent medical examination which indicated that the claimant's complaints were not related to the employment. Defense counsel argued that the changes noted on a cervical MRI were degenerative and simply related to age.

Car Accident Complication

Chesapeake Employers successfully defeated this claim for temporary total disability benefits and authorization for physical therapy and pain management. While investigating the claim, the adjuster discovered that the claimant was involved in a subsequent motor vehicle accident. Despite numerous hurdles, the adjuster obtained the medical reports related to the motor vehicle accident, which defense counsel presented to the Commission. Defense counsel argued that the subsequent motor vehicle accident was an intervening injury, breaking the chain of causation. The Commission agreed, denying the request for temporary total disability benefits as well as authorization for physical therapy and pain management.

The Hand Bone Connected to the ... Neck Bone?

The Chesapeake Employers' claims and legal team were successful in limiting the injury claims from this accident. The claimant alleged that on the date of injury, the right hand was slammed against a heavy iron door. The injury to the right hand ultimately required surgery. The claimant testified at the hearing that the pain in the neck began right after the hand surgery. Defense counsel noted that the claimant's treating doctor was unsure of the cause of the neck pain and did not relate it to the accident. Defense counsel further argued that this case involved an injury only to the right hand and that there was no basis for relating the neck.