

# 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

### Knee Deep in Confusion

Chesapeake Employers had this case before the Commission on the issue of causal relationship to the left knee. Our argument was that there was no mechanism of injury in any record. The claimant testified that there was a "pop" in the back of his knee when a sofa was lifted. But there was no knee trauma [recorded] at that time. The claimant testified that there was always knee pain and was unsure why it never made its way into reports. The Commission was initially not persuaded by the defense argument but, with no causal relationship shown by the claimant, Chesapeake's closing argument on the burden of proof swayed the court's opinion in favor of the policyholder.

### Middle Trigger Finger Case

In this case, the claimant alleged to have suffered an occupational disease of the left middle finger (also known as the trigger finger). There was a prior left middle finger case in which the claimant had already received a permanency award and that claim had been settled. The current occupational disease was brought as a new claim. Multiple witnesses were brought by the defense. Defense counsel was able to show that the claimant's work had not decreased and her treatment was consistent from the prior claim. Compensation was disallowed based on no disablement.

### Falling Short of the Standard

Our claims and legal professionals worked together to defend this contested claim on the issue of occupational disease. The claimant alleged to have developed carpal tunnel syndrome due to employment. At the hearing, there was a submission of the medical reports with the legal argument. Chesapeake was able to successfully argue that the claimant had failed to produce any report that met the standard to a reasonable degree. The Commission agreed.

### Poking Holes in the Story

This claim of injury to the neck and back was successfully defended at the Commission. The claimant alleged that injuries to the neck and back were experienced while lifting a patient at an assisted living facility and later while stopping a patient from falling. The success of this defense rested on the cross-examination of the claimant. The defense counsel effectively poked multiple holes in the claimant's story. There were inconsistencies, conflicting statements and evidence that this was a retaliatory claim.

### Shaking Things Up at the Soda Machine

The legal team, with the help of claims adjusters, tried this case before the Commission on the issue of accidental injury. The defense counsel brought the claimant's supervisor as a witness. The claimant testified that on a specific date in 2014, an injury happened to the left hand by falling into a soda machine while at work. Cross-examination showed that the claimant's First Report of Injury described a fall involving steps and revealed nothing about a soda machine. Our witness helped provide evidence that there was nothing during that time that would have caused the claimant to fall into the soda machine.