

NOVEMBER 2016 CASE LAW UPDATE

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There are no published opinions in November. However, the below case could be beneficial.

JBS Distribution LLC v. Workers' Compensation Appeal Board (Delgado) (Pa. Cmwlth November 16, 2016) 2016 WL 6776254

Issues: Whether the WCJ Decision was supported by substantial competent medical evidence.

Answer: No.

Analysis: This was a case where the WCJ ruled in favor of the claimant. The WCAB affirmed the Decision of the WCJ. The Employer argued that the claimant relied upon evidence that was insufficient to show a causal relationship between the work injury and Claimant's current condition. Specifically, Employer asserts the opinions of Claimant's expert were based on material inaccuracies and equivocal as a matter of law. The Commonwealth Court reversed the board for some of the injuries and affirmed for other injuries. Essentially, there were statements by the treating physician regarding whether the claimant "could" or "can". The Commonwealth Court determined that this language was equivocal.

Conclusion and Practical Advice: This is a good case in that it highlights some good caselaw on this topic. This is also a good case in that it is another case that can be used to support an argument that the language is equivocal. This is also a unique case because it specifically reversed the opinion of the WCJ.