

Work-Related Injury Forces Pennsylvania Employee Out of the Country

A Swedish national who came to the U.S. on a work visa but was forced to return home after he was injured on the job and fired by his company won a major court decision that will result in payment of his work comp payments.

Johan Alpensjo was seriously hurt in a work-related car accident in 2009 and placed on disability by his U.S. employer, Sandvik Inc., located near Wilkes Barre, Penn. But after returning to work part time, he was subsequently fired and, to add insult to injury, his employer called the U.S. Embassy to say that Alpensjo, who was in the U.S. on a work visa, no longer had a job.

Alpensjo was subsequently forced to leave the U.S., but a workers' compensation judge ruled that the company fired Alpensjo without cause and its attempt to have him deported from the U.S. was simply an effort to get rid of someone who was no longer of use.

Sandvik was ordered to pay full disability benefits to Alpensjo, retroactive from the date of his last check. Previous court decisions denied deported employees in similar cases, and those decisions were upheld on appeal. But Alpensjo's case was different, given he did not voluntarily leave his job or the country. Instead, the judge determined that Sandvik found it easy and convenient to fire a foreign worker who had been injured on the job and then take great pains to have him removed from the country in order to avoid having to pay worker's compensation benefits.