

News Alert: New Subrogation Decision



New case law marks win for the government but most importantly this is a big win for our clients and ensuring they are paid all the benefits to which they are entitled.

The Pennsylvania Supreme Court held that the Workers' Compensation carrier has no right to subrogation in a case where the third party recovery is against a political subdivision. In the case of *Frazier v. WCAB* (Bayada Nurses Inc.), decided on September 28, 2012 a unanimous Court interpreted Section 23 of Act 44 to prohibit the Workers' Compensation carrier from asserting its claimant's lien. The high court reversed the Commonwealth Court which had permitted the subrogation recovery.

The workers' compensation case was handled by Martin Law partner, John Dogum and was quoted in the Pennsylvania Law Weekly saying "The import here is that ironically by extending governmental immunity you're lessening the burden not only on the governmental party but also on the courts."

If you have questions regarding this decision please feel free to contact any of our attorneys at 215-587-8400 or send an e-mail to info@paworkinjury.com.