Court Finds Sufficient Medical Evidence in Terminating Benefits

The Pennsylvania Commonwealth Court recently ruled that in workers' compensation cases, an expert's opinion could be held valid even if the expert did not personally examine a specific injury the worker suffered. In *Stancell v. Workers' Compensation Appeal Board,* the court affirmed a benefits termination petition after the employer's medical expert testified regarding the employee's ability to return to work.

When Thora Stancell injured her back, left arm and hand in a fall, she applied for and was granted workers' compensation benefits. Nearly 14 months after the injury, Stancell's employer, LKI LLC, petitioned the Bureau of Workers' Compensation to terminate her benefits because she had fully recovered from her injuries and was physically capable of resuming work.

As part of the petition process, Dr. Zachary Friedenberg, an orthopedic surgeon, examined Stancell's back, as well as her injured hand and fingers. The examination revealed no lingering effects of her back injury, and she had no deformity, continued swelling or impairment in her hand. The physician also asked if she had any other pain issues. Stancell indicated that she had daily pain in her lower back, some shoulder pain, but no additional pain in her right hand. While he did not examine her injured arm, Dr. Friedenberg found that Ms. Stancell had fully recovered from her injuries and that any remaining pain was due to her advanced age and arthritis. The workers' compensation judge relied on Dr. Friedenberg's opinion in granting the termination petition. Stancell appealed to the workers' compensation board, which affirmed the judge's decision.

The Commonwealth Court found that a medical expert's opinion that a worker has fully recovered from an injury can be based on sufficient medical evidence. It reasoned that since the physician reviewed the worker's medical history, performed an examination and asked questions about the extent of movement in her hand and back, he had enough information to register a professional opinion on Stancell's recovery.

The court's holding suggests that as long as testifying physicians have sufficient, credible information regarding a worker's recovery, findings on a specific injury (especially when multiple injuries are the basis for benefits) may not be necessary to support the physician's opinion. If you are an injured worker and your employer has filed a petition to terminate workers compensation benefits, an experienced workers' compensation attorney can analyze your case and advise you of your rights and options.