

Working for people who can't.

» Workers' Compensation » Social Security Disability » Long-Term Disability » Veterans' Benefits

Overcoming Issues with the New Workers' Comp Computer System

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On September 9, 2013, the Pennsylvania Department of Labor & Industry and the Bureau of Workers' Compensation implemented a new workers' compensation computer system called the Workers' Compensation Automation and Integration System (WCAIS). The system is designed to enable counsel to look at the evidentiary record and the bureau documents for a particular case if they are registered with the system. It also enables the court to receive evidence online by an authorized party.

Despite setting the bar high in its mission statement of "setting the standard of excellence and service to the Pennsylvania workers' compensation community," there have been some glitches with the system, which has primarily affected the assignment

of new claims, the scheduling of hearings and the rendering of judges' decisions on cases. Due to the start-up problems with the system, there has been a backlog in assigning the new claims to workers' compensation judges.

While clients of other firms have been significantly affected by the changes, **our firm spent significant time on training and preparing for the changes resulting in only slight delays for our clients and their cases.**

We anticipate that there will continue to be some delays while the glitches are being worked out by the administration. In the meantime, we will continue to stay on the forefront of the changes to minimize any effect on our clients.

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RECENT SETTLEMENTS:

Below is a sample of recent settlements and recoveries we've helped to obtain for our clients.

\$478,000 AWARDED to a truck driver's family for a fatal motor vehicle accident

\$237,000 AWARDED to a truck driver with a lumbar sprain

\$248,000 AWARDED to a union laborer with a right knee meniscal tear

\$235,000 AWARDED in wage loss for an ironworker with head and neck injuries

\$230,000 AWARDED in wage loss for a furniture mover with herniated disc

\$210,000 AWARDED in wage loss for a union packer with a herniated disc

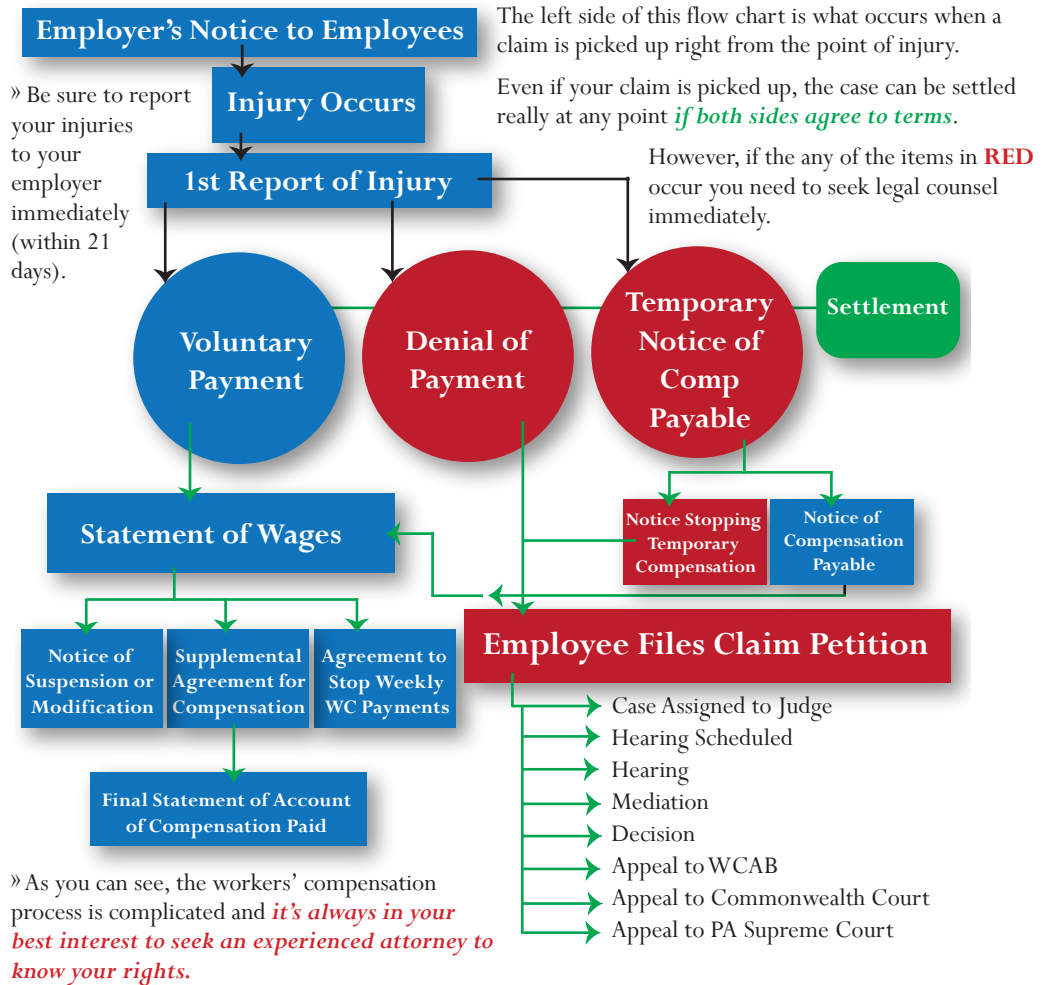
\$210,000 AWARDED in wage loss for a laborer with facial scarring

\$210,000 AWARDED in wage loss for a creative director with head injuries from car accident

\$200,000 AWARDED in wage loss for a concrete worker with back and knee injuries

\$190,000 AWARDED to a quarry mechanic for knee sprain and oblique tear

WORKERS' COMPENSATION: THE CLAIM PROCESS



CASE LAW: SUPREME COURT RULES ON PSYCHOLOGICAL CLAIMS

In a recent case where a state trooper was granted benefits after he accidentally killed a woman -- who was dressed all in black and intentionally ran in front of his police vehicle -- the Supreme Court reversed the Commonwealth Court's reversal of a workers' compensation judge's grant of a claim petition and, in doing so, discussed the highly fact-sensitive nature of mental injury (with no physical injury) claims. In the decision, the Court held that the appropriate manner for examining these cases is to determine 1) if the claimant's psychological injury has been objectively verified (presumably with expert testimony), 2) if it has been traced to an identifiable source (such as a woman attempting to commit "suicide by cop"), and 3) "whether that incident alone, and not any purported comparable sets of incidents, was abnormal." The majority also noted that the abnormal working conditions analysis does not end "when it is established that

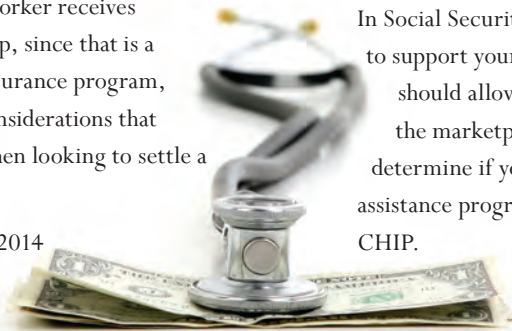
the claimant generically belongs to a profession that involves certain levels or types of stress."

We will be watching carefully how this case law will affect the decision of a case that we currently have in front of the Supreme Court. In our case, even though the judge determined that the claimant sustained a mental injury after he was tied up and held at gun point while working in a liquor store, the Commonwealth Court reversed the award of the claim and held that an injury that occurs as a result of a foreseeable risk (a liquor store clerk who was provided training on robberies) is not the result of abnormal working conditions. Since the eventual holding in the police officer case strikes down examining mental injury claims after identifiable events in the context of other injuries, this foreseeable risk standard no longer seems viable.

ACA (OBAMACARE) AND YOUR CASE

The Affordable Care Act (ACA) gives individuals more health insurance options and it's important to know what to expect when it comes to your workers' compensation or Social Security disability case. While it might not have a significant effect on the treatment an injured worker receives while on workers' comp, since that is a completely separate insurance program, there are important considerations that you should consider when looking to settle a workers' comp case.

Starting on January 1, 2014 insurance companies can no longer deny



coverage, charge a higher premium or refuse to cover treatment for pre-existing conditions. This will be beneficial in obtaining health insurance after a settlement for those who have a pre-existing condition due to a work injury.

In Social Security disability cases, having medical care to support your case is imperative. This program should allow you access to medical care through the marketplace which is designed to determine if you qualify for financial assistance programs such as Medicaid and CHIP.

For more detailed information visit www.healthcare.gov.

COMMUNITY SUPPORT

At Martin law, community support is one of our core values. In 2013, we started "Martin LLC Gives Back," where each month we find a different community organization to support.



Pictured above are staff members Ashley Martin and Ali Soscia with members of the Philadelphia Police Department.

During the month of September, we helped to raise money for the **Hero Thrill Show**, which provides full college tuition to children of Philadelphia police officers or firefighters who died in the line of duty. Since its inception in 1994, the Hero Thrill Show has provided full college tuition for 12 families.

In October, employees participated in the **Making Strides Against Breast Cancer** walk and raised over \$1,000 toward breast cancer research. *Pictured below is staff and family before the walk on October 19.*



During the holiday season, the firm is collecting money and food donations for **Philadelphia Veterans Comfort House** where an annual open house is held for homeless vets.

MEET THE JPD TEAM!

partner JOHN P. DOGUM, ESQ.

John has been practicing exclusively in workers' compensation for more than 21 years and has been a partner at the firm for 9 years. John also serves on the Management Committee of the firm. He is happily married with two daughters and is very interested and involved in their soccer and dance. He is a former college football player and an avid Penn State and Eagles football fan.

legal assistant KENESHA NABRIED

Kenesha has been with the firm since 2007 and serves as the assistant on John's team and arranges appointments for clients, schedules depositions, confirms all appointments arranged by the team and deals with any issues regarding medical providers and bills. Kenesha is the oldest of four children and a graduate of West Chester University. She enjoys attending rock concerts, traveling and watching sports.

legal secretary JESSICA GUERRERO

Jessica has been with the firm since 2012 and serves as the secretary on John's team and assists him with the representation of injured workers. She is happy to help clients with their questions regarding their workers' compensation issues. Jessica graduated from LaSalle University and is very passionate about volunteering and giving back to her community.

paralegal ROBIN THOMPSON

Robin has been with the firm since 1996 and serves as the paralegal on John's team preparing files for hearings, settlements, and mediations. She also takes incoming calls from clients, attorneys, adjusters and judges and assists injured workers in any way possible. Robin is married with two children and loves spending time with friends and family, preferably at the beach.



PICTURED L-R: Robin, Jessica, Kenesha and John.

WORKERS' COMP TEAMS

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Medical Records Coordinators,
Tremil Williams
Shanta Green

TEAM CONTACTS



We've Expanded Our Disability Practice with a New Associate, Shuaiyb Newton

In September, Martin law hired a new associate attorney, Shuaiyb Newton, in the disability division of the firm. Shuaiyb will be covering hearings for Social Security disability cases and as well as assisting with long-term disability cases for the firm.

Mr. Newton came to the firm from the Philadelphia District Attorney's Office. As an Assistant District Attorney, he prosecuted thousands of criminal defendants, prepared witnesses to testify, and led the prosecution of countless successful jury trials. During law school, he worked for a large firm in Philadelphia

where he focused on research and case support.

He earned his law degree from Widener University School of Law in 2010, where his honors included two mentions on the Dean's List, ranking in the top 15% of the class and serving as a member of both the Moot Court Honor Society and Moe Levine Mock Trial Honor Society. He was also a Student Fellow and a member of the Black Law Students Association (serving as the group's Competition Coordinator). He earned his undergraduate degree from Temple University in 2003 where he was a member of the NAACP, the National Association of Black Accountants and managed the Women's Fencing Team.

AWARDS AND SPEAKING ENGAGEMENTS

GEORGE MARTIN, MATT WILSON AND AMIT SHAH were once again selected to the Awesome Attorneys list as published *Suburban Life Magazine* set to be published in December.

MARIA BERMUDEZ-HARRIS was a speaker at the Widener's Women's Luncheon on November 13. The luncheon topic was "The Evolution of the Law Office Environment," discussing the young attorney perspective offering tips on how to use technology efficiently and productively -- helping lawyers to work faster and smarter.



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