

The Law Offices of Bolton and Helm, LLP

CASE LAW UPDATE

Dangerous Denials

In Schroeder v. Peoplelease Corp., 18 So.3d 1165 (Fla. 1st DCA 2009), a negligence action was brought in circuit court due to a heart attack that was sustained in the course of a claimant's employment. A motion by the defense for summary judgment based on workers' compensation immunity was granted. An appeal was taken. In reversing the summary judgment order, the appellate court explained that the workers' compensation claims specialist had denied the heart attack claim for reasons including: The condition of claimant is due to natural causes unrelated to his [or] her employment; the condition pre-existed the alleged date of injury; the condition complained of is not the result of an injury within the meaning of the term as used in the Florida Compensation Act; the claimant's condition is due to pre-existing disease and not to an accident; the present condition of claimant is not the result of injury arising out of and in the course of his or her employment and that there is no causal connection between the claimant's condition and his or her employment. The appellate court reversed despite the workers' compensation adjuster's statements that the intent of the notice of denial was to dispute that Schroeder's injury was compensable and not that no covered employment relationship existed. The case was remanded to the trial court for further proceedings.

Discussion: Care must be taken in drafting a denial in order to avoid a waiver of workers' compensation immunity. If a claim is being denied based on pre-existing conditions, the denial should specifically state the provisions relied upon and avoid the implication that the accident was not covered under workers' compensation.

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