

Jeffrey seyfreid obtain favorable decision deny claimant claim petition

Successfully obtained a favorable decision, denying a claimant's Claim Petition. Employee filed a Claim Petition against Company 1 and Company 2, contending he suffered traumatic injuries to his neck, mid-back, low back, right shoulder, and collarbone during the course and scope of his employment as a crane transporter. The matter was bifurcated on the issue of employee/employer relationship and jurisdiction. The employee alleged that if he was an employee of Company 1, an uninsured entity, liability should be imposed on Company 2 as a statutory employer. Successfully argued that the employee was clearly an independent contractor. The judge concluded there was no master/servant relationship between the employee and Company 1. The WCJ agreed that Company 1's enforcement of federal law did not rise to the level of exerting control. In addition, the WCJ agreed with the argument that the fact that the employee had a specialized license showing he had "skill" which is indicative of an Independent Contractor. The WCJ concluded that Company 1 was not claimant's "employer" and claimant was an Independent Contractor. As a result, no liability could be imposed on Company 2 as a statutory employer.