

David Greene, Dawn Nicholson and Ross Ventre

Successfully prosecuted a termination petition and obtained a termination of benefits. In that matter, the claimant sustained a groin injury and underwent surgery, although, continued to have ongoing complaints and pursued medical treatment. The WCJ opted to terminate compensation in accordance with an IME opinion of full recovery. In this regard, the WCJ found the IME physician to be more knowledgeable and informed in terms of claimant's condition as compared to claimant's medical expert, who recently commenced treatment. The WCJ specifically took note that IME physician reviewed more of claimant's medical records, was more familiar with the medical history, treatment and details regarding claimant's work injury and employment history. Most crucial was the fact the WCJ was persuaded by IME physician's explanation for the claimant's ongoing complaints, which he attributed to an unrelated urological condition, something discounted by claimant's treating physiatrist. As a result of the decision, the client is able to avoid liability for claimant's ongoing medical treatment, including medications, and is not responsible for reimbursement of counsel's litigation costs which total nearly \$3,000. Once the decision is final, the client will be able to pursue a sizable supersedeas reimbursement sum for medical benefits paid out over the last year.