

The Appellate Division Affirms the Trial Court's Decision that a Corrections Officer's Injury was not Idiopathic

In a recent decision, the Appellate Division affirmed a Trial Court's decision that a corrections officer's knee injury was not idiopathic.

In *Quiles v. County of Warren*, Mr. Quiles, a corrections officer, employed by the county, felt a pop and sharp pain while climbing steps to perform an inmate count on March 14, 2014. The medical administrator advised that his knee was swollen and that he needed to see a doctor.

A few days later, Mr. Quiles received a call denying his request for treatment through the County's workers' compensation carrier. Due to the denial, he sought treatment in April of 2014 with his personal physician, Dr. Carpecci. He underwent arthroscopic surgery on November 13, 2014. The surgery revealed a left meniscal tear and laxity in the ACL. The ACL was reconstructed three months later.

Mr. Quiles filed a claim petition with the Division. The County admitted employment but denied that the injury arose out of the course and scope of employment. A motion for medical treatment and temporary disability benefits was later filed by Mr. Quiles. The County answered the motion claiming that his injury was idiopathic. The Judge took testimony from Mr. Quiles, Dr. Carpecci and the County's expert, Dr. Richard Rosa.

During Mr. Quiles testimony, he offered video surveillance of his injury. However, the Judge found that the video was not sufficient to allow him to focus on the nature of the injury and the events. The video showed Mr. Quiles climbing steps while wearing heavy equipment and combat boots. He testified that he exercised frequently prior to his injury including weight lifting, playing basketball, and running.

Dr. Carpecci testified that the climbing of the stairs likely caused the ACL tear and could not think of any other event that could have produced the injury. Dr. Rosa testified that Mr. Quiles probably sustained some knee injury on March 18 causing his knee swelling and tenderness. Dr. Rosa also testified that the video did not support Mr. Quiles sustaining an acute ACL tear.

Based upon the testimony, the Judge awarded medical treatment and temporary disability benefits, finding that the County failed to show petitioner's injury was idiopathic, the County failed to show an alternative cause for the injury and that the injury was probably not caused by the March 18, 2014 incident. The Judge determined that Mr. Quiles injured his knee while wearing equipment necessitated by his employment and performing a task stressful to the knees.

The parties were unable to resolve the payment of benefits and medical expenses. The matter proceeded to trial on the issues of permanent disability. Testimony was again obtained from Mr. Quiles along with his expert, Dr. Flood. The County presented Dr. Thrower. In addition to his previous testimony, Mr. Quiles testified he never discussed a prior knee injury with Dr. Carpecci and he did not receive treatment prior to the March 18 incident. He also had not experienced any limitations in exercising or participating in recreational activities prior to the incident.

Dr. Flood testified that the majority of Mr. Quiles problems are the result of the March 18 incident. He also testified that the reference of a 2008 complaint of knee pain in the medical records might have created a one percent pre-existing condition. Dr. Thrower testified that the stair climbing could have caused a torn lateral meniscus. He stated that the 2008 reference to knee pain could have indicated arthritis in the knee.

The Judge found that there was insufficient evidence of any prior or subsequent knee injury and awarded

petitioner a disability of 30% permanent partial disability. He noted that the only evidence of any prior knee injury was a complaint of pain in 2008 for issues involving his shoulder and upper back, but no treatment was ever rendered. The Judge also determined that there was no sufficient evidence to establish a subsequent injury because Mr. Quiles denied telling anyone at the hospital that he had been running prior to the incident.

The County appealed the decision claiming that Mr. Quiles injury was idiopathic and not work-related. It also argued that the Judge should have dismissed the claim for lack of credible evidence and that the Judge failed to apply a functional limitation credit for Mr. Quiles' pre-existing knee injury.

The Appellate Division rejected all of the County's arguments. The Court found that the Judge's findings were supported by sufficient evidence.

Comment: An injury that arguably could have been found to be idiopathic in nature was determined to be in the course and scope of employment simply because the petitioner was wearing 25 lbs of work equipment and combat boots required for work. If the employment has an effect on the injury, it will most likely be deemed idiopathic. The idiopathic defense is a difficult one and the burden of proof is on the employer.

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