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Weber Gallagher Successfully Defends Saint-Gobain in Workers' Compensation Case

Philadelphia, January 25, 2021 — Weber Gallagher successfully defended a claim against Saint-Gobain before the Appellate Division affirming a Trial Court's decision that a Bihler operator did not suffer hearing loss during the course and scope of his employment.

The Appellate Division would not disturb the Trial Court's finding of credibility, and the Judge of Compensation found a lack of credible evidence to prove that the petitioner suffered physical injuries and hearing loss as a result of excessive noise exposure at his former place of employment. These findings were based on the petitioner's inconsistent testimony, the records of the treating doctors, and the petitioner's expert testimony, which provided no basis for the diagnosis, as well as an inconsistent narrative of the facts of the case. The Court held that the judge's factual and credibility findings were amply supported by sufficient credible evidence in the record, and there was no basis to disturb them.

"The Appellate Court will not overturn a judge's decision if it is based on credible evidence," said partner Cheryl A. Binosa. "Without gross error, misinterpretation of the evidence, or a decision that was based on information not in evidence, the Appellate Court has and continues to routinely uphold the lower court's decisions."

Partner [Cheryl A. Binosa](#) was the lead attorney on this case. She defends insurance carriers and third-party administrators in workers' compensation matters. [Kelsi L. Feldman](#), an associate who focuses her practice on defending businesses in workers' compensation matters, assisted with the preparation of the brief.

About Weber Gallagher

At Weber Gallagher, lawyers work collaboratively with clients to understand their legal and business needs and develop impactful results for them. The firm encompasses more than 120 legal professionals working interactively across 9 offices in the Mid-Atlantic United States. Weber Gallagher provides legal counseling and representation to local, national and international businesses, financial institutions, and insurance companies. With a strong commitment to excellent service and innovative solutions, and a dominant reputation, the firm has an exceptional ability to efficiently address clients' legal and business concerns, distinguishing Weber Gallagher from other law firms. To learn more, visit www.wglaw.com.

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