

PA SUPREME COURT ISSUES RULING IN FAVOR OF INJURED EMPLOYEE*



Attorney George E. Mehalchick

The Pennsylvania Supreme Court has issued a ruling in favor of an injured employee. The case was argued before the high court by Attorney George Mehalchick of Lenahan & Dempsey. It involved an employee's notification to her employer that she had been injured on the job.

The employee twice told her supervisor that she was having pain in her arms and hands; she left a voice mail for her employer about her problem. Nevertheless, the employer denied her Workers' Compensation claim saying that she never provided a proper legal description of a work injury.

The Pennsylvania Supreme Court agreed with the arguments by Lenahan & Dempsey that, based upon the totality of circumstances, the employer had proper notice of a work injury and that the employee was entitled to workers' compensation benefits which had previously been denied her for two years. She will now receive these retroactive benefits as well as ongoing weekly compensation benefits.

In a concurring opinion, two of the Supreme Court Justices called the employer to task stating that the decision by corporate management to challenge the claim of an employee who had loyally served the employer for forty-five years based upon hypertechnical issues was a "troubling example of... inappropriate corporate conduct... Rather than acknowledging the undisputed genesis of... her injuries and paying her the due compensation, [the employer] opted to pursue a technical defense in the hope of avoiding its rightful obligations."

"This ruling is important because it emphasizes the importance of fair treatment for employees; it is also a ruling that is all about common sense," said George Mehalchick. "I'm proud to have had a role in a case that comes down squarely on the side of a Pennsylvania worker."

This is Lenahan & Dempsey's second successful case before the high court this year.

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