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2014 ANNUAL CASE REVIEW – OBSERVATIONS OF AN EXPERIENCED CLAIMANT’S ATTORNEY

There are cases in which averaging estimated loss of labor market access and expected wage loss does not accurately represent the claimant’s present and probable future ability to engage in gainful activity.

Deon v. H&J, Inc., - IC #s 207-005950/2008-032836 - May 3, 2013

Gonzalez v. ConAgra Foods – IC 2008-013533 – June 2, 2014 (80% PPD inclusive of PPI)

Carpenter v. Record Steel Const., Inc. – IC 2011-026100 - June 6, 2014 - (75% PPD inclusive of PPI)

Gonzales v. Champion Produce, Inc. – IC 2011-029488 - August 22, 2014 – (T&P inclusive of 90% PPD)

Time of hearing earnings equal to or greater than time of injury earnings do not preclude an award of permanent disability in excess of impairment.

Delgadillo v. Anderson Manufacturing – IC 2011-011230 - February 13, 2014

Kershishnik v. Blount, Inc., – IC 2001-513476 - August 18, 2014

Provide all medical records and relevant facts to medical and vocational experts you intend to rely upon to support your claims/defenses particularly if you represent the claimant and therefore have the burden of proof. What happens if you don’t

Glickman v. TNT Insured Towing, Inc. – IC 2012-020021 - January 7, 2014

Green v. Roy Green d/b/a St. Joe Salvage and ISIF – IC 2006-007698 - January 29, 2014

Powell v. Northwest Cascade, Inc. - IC 2007-001470 - April 7, 2014

Gonzalez v. Conagra Foods, Inc. – IC 2008-013533 – June 2, 2014

Waters v. All Phase Constr., 322 P.3d 992 (Idaho 2014)

Consider this in settling with either the Employer or ISIF and then proceeding to hearing against the other –

Deon v. H&J, Inc., 2013 WL 3133646 (Idaho Ind. Com. – Order on Reconsideration filed November 4, 2013

General Observations –

- It takes a “war chest” to hire the experts necessary to take most cases to hearing and prevail.

- Several cases show that there are often “holes” in the opinions of the medical and vocational experts.

- Some cases are won or lost based on the medical record created before the Claimant obtains representation. Efforts to obtain the necessary opinions from treating physicians will likely increase the odds of a successful outcome.