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ATTORNEYS AT LAW

CONNECTICUT WORKERS' COMP UPDATE

The law firm of **Strunk Dodge Aiken Zovas (SDAZ)** provides you with our **MARCH 2025 WORKERS' COMPENSATION LAW UPDATE**. Please feel free to share this update with your colleagues. If someone inadvertently has been left off our email list and would like to receive future updates, they can contact **Jason Dodge** at jdodge@ctworkcomp.com or 860-785-4503.

CASE ALERT: PLEASE SEE IMPORTANT NEW CASE BELOW RE TEMPORARY PARTIAL BENEFITS, *GARDNER V. DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES*, Conn. (March 18, 2025)

STRUNK DODGE AIKEN ZOVAS NEWS

Connecticut Governor Ned Lamont announced in January 2025 his three nominations for Administrative Law Judges for the Connecticut Workers' Compensation Commission. We are pleased to report that our friend, esteemed colleague and former **SDAZ** law partner **Colette Griffin** was one of the nominees. Judge Griffin was sworn in on March 6, 2025 as an Administrative Law Judge for the Workers' Compensation Commission by her friends Judges Nada Sizemore and Randy Cohen at a party hosted by **SDAZ** in Judge Griffin's honor at Craft Kitchen in Southington. Best wishes to Judge Griffin from her friends at SDAZ as she takes on this exciting new role; she will likely be presiding in the Fifth District in Waterbury.

Congratulations as well as to the two other new Administrative Law Judges for the Workers' Compensation Commission, Judges **Michael Anderson** and **Christine Conley**.

All of the new ALJ's have extensive workers' compensation experience and will be able to immediately make decisions regarding workers' compensation claims. The following biographical information was provided by the Governor's office regarding the Judges:

Colette Griffin graduated from the University of Bridgeport and obtained her Juris Doctor degree from Quinnipiac School of Law. She was a partner with **Strunk Dodge Aiken Zovas** and has served as the chair of both the workers' compensation and animal law sections of the Connecticut Bar Association. She served on the workers' compensation legal advisory and medical advisory committees.

Michael L. Anderson graduated from the University of New Hampshire and the University of Connecticut, and obtained his Juris Doctor degree from Vermont Law School. He was a trial lawyer with Anderson Trial Lawyers in Norwich, where he represented injured workers in the Workers' Compensation Commission and those seriously injured due to the negligence of others. He was chairman of the Town of North Stonington Board of Finance. He practiced law for more than 20 years.

Christine Conley graduated from Bay Path University and obtained her Juris Doctorate from Western New England University. She was an attorney with McGann, Bartlett and Brown, LLC, where she represented employers and municipalities in defending work-related injuries. She has experience in worker's compensation and personal injury, representing both plaintiffs and defendants. She is a Connecticut board certified workers' compensation specialist. From 2017 to 2025, she served the 40th Assembly District of Groton and New London in the Connecticut House of Representatives.



Administrative Law Judge Colette Griffin



Judges Nada Sizemore, Colette Griffin, and Randy Cohen at Judge Griffin's swearing in On March 6, 2025

SDAZ has hired two new, experienced attorneys, **Katherine E. Dudack** and **Maribeth M. McGloin**. Both **Attorney Dudack** and **Attorney McGloin** are Board Certified Workers' compensation Specialists and have extensive experience defending workers' compensation claims in Connecticut.

Attorney Katherine E. Dudack received her Juris Doctorate from the University of Connecticut School of Law in 2005 and Bachelor of Arts degree in Political Science with a minor in Criminal Justice, summa cum laude, from the University of Connecticut in 2001 (member, Phi Beta Kappa). Attorney Dudack has practiced in the area of Workers' Compensation since 2013. Prior to that time she practiced civil litigation defense. Attorney Dudack is a member of the Workers' Compensation Certification Examining Committee, the Board of Directors of the Hartford County Bar Foundation and an Associate Editor of Compensation Quarterly. Attorney Dudack is also currently a member of the Workers' Compensation Section Executive Committee of the Connecticut Bar Association.



Attorney Maribeth M. McGloin

Attorney Maribeth M. McGloin received a Bachelor of Arts degree in Political Science from Johns Hopkins University in 2000 and went on to receive her Juris Doctorate from the University of Connecticut Law School in 2003. She then served for a year as an Appellate Court Law Clerk for Judge Joseph P. Flynn and for a second year for Chief Judge William J. Lavery. Since 2005, Attorney McGloin has devoted her practice to workers' compensation related litigation and appeals. She represents employers, insurance companies and third-party administrators in workers' compensation and associated subrogation claims. Attorney McGloin has spoken on workers' compensation issues at various seminars. She was chosen as a member of the 2014 class for the Connecticut Law Tribune's *New Leaders in the Law* and has been named over multiple years to the peer nominated Connecticut Super Lawyers in the practice area of workers' compensation. Attorney McGloin serves on the Executive and Continuing Legal Education Committees of the Workers' Compensation Section, and she has been the Secretary of the section for the 2022-2026 bar years. Attorney McGloin is also a member of the Board of Editors for *Compensation Quarterly*.



ATTORNEY ANNE ZOVAS

Our Senior Partner, Anne Zovas, was recently featured in an article with the title: **Anne Kelly Zovas: Blazing Trails in Workers' Compensation Law**. Please follow the link below to read this wonderful article.

<https://www.workerscompensation.com/daily-headlines/anne-kelly-zovas-blazing-trails-in-workers-compensation-law/>

Courtney Stabnick of SDAZ was named **2024 "Lawyer of the Year"** by Best Lawyers for litigation-insurance in the Hartford region.

Attorneys Anne Zovas, Lucas Strunk, Richard Aiken, Heather Porto, Philip Markuszka, Courtney Stabnick, Jason Dodge and Richard Stabnick of SDAZ have been selected by their peers for recognition of their professional excellence in Workers' Compensation- Employers in the 31st edition of *The Best Lawyers in America*.

Strunk Dodge Aiken Zovas has been named by Best Lawyers as a 2024 Tier 1 "Best Law Firm." Best Lawyers is the oldest and most respected lawyer ranking service in the world. The U.S. News – Best Lawyers® "Best Law Firms" rankings are based on a rigorous evaluation process that includes the collection of client and lawyer evaluations,

peer review from leading attorneys in the field, and review of additional information provided by law firms as part of the formal submission process.

Attorney Christopher Buccini of SDAZ is Chairman of the Workers' Compensation Section of the Connecticut Bar Association. **Attorney Maribeth M. McGloin** is Secretary of the Section.

Attorneys Richard Aiken, Jason Dodge, Lucas Strunk and Anne Zovas were named Super Lawyers for 2024 in the field of workers' compensation law. **Attorneys Christopher D'Angelo, Ariel MacPherson Philip Markuszka and Matthew Sacco of SDAZ** were named "Rising Stars" in workers' compensation law.

Attorneys Anne Zovas, Richard Aiken, Lucas Strunk, Jason Dodge and Richard Stabnick of SDAZ have received an AV rating by Martindale-Hubbell. Martindale-Hubbell states that the AV rating is "The highest peer rating standard. This is given to attorneys who are ranked at the highest level of professional excellence for their legal expertise, communication skills, and ethical standards by their peers."

Strunk Dodge Aiken Zovas has been named the Connecticut representative of the National Workers' Compensation Defense Network. The NWCDN is a nationwide network of workers' compensation defense law firms that partner with other attorneys to provide clients with expertise, education, and guidance in the field of workers' compensation. Only one firm per state is selected for this prestigious organization. If representation is needed in a state outside of Connecticut, the NWCDN network provides a vetted list of law firms that can provide excellent legal assistance to clients of **SDAZ**.

The Hartford County Bar Foundation will again be sponsoring the Joseph J. Cassidy Memorial 5k Road Race, Kids' Run & Family Walk on Saturday, April 26, 2025. Registration is due by April 23, 2025. **Attorneys Anne Zovas and Phil Markuszka of SDAZ** can be contacted regarding registration for this fun event that benefits homeless, hungry, sick, disabled and other needy persons.

<https://hartfordbarfoundation.org/>

Kids' Chance of Connecticut will have its first annual March Madness Cornhole Tournament on Thursday, March 27, 2025 at 4:00 PM at Truck Bar, 151 Webster Square Avenue, Berlin, CT. This charity provides educational scholarships to the children of Connecticut workers who have been seriously or fatally injured in work-related accidents. **Attorneys Phil Markuszka and Jason Dodge of SDAZ** are members of the Board of KCOC.



Truck Bar
151 Webster Square Ave
Berlin, CT

2025 First Annual
**March Madness
Cornhole
Tournament**

Thursday, March 27, 2025

Check-in: 4:00 pm

Tournament Starts: 4:30 pm

\$175 / two-person team | \$100 / individual

\$50 / non-players

March Madness
Watch Party

Food
Included

Drink Ticket
& Cash Bar

Tourney Prizes
& Raffles



bit.ly/2025KCCComhole

kidschancect.org | Questions? Contact info@kidschancect.org

All proceeds go to benefit Kids Chance of Connecticut, a non-profit 501(c)(3) charitable organization that provides scholarships to children of Connecticut workers who are catastrophically injured or killed on the job.

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You can now follow us on Facebook at <https://www.facebook.com/Strunk-Dodge-Aiken-Zovas-709895565750751/>

SDAZ can provide your company with seminars regarding Connecticut Workers' Compensation issues. Please contact us about tailoring a seminar to address your needs.

We do appreciate referrals for workers' compensation defense legal work. When referring new files to SDAZ for workers' compensation defense please send them to one of the attorneys' email: azovas@ctworkcomp.com, raiken@ctworkcomp.com, lstrunk@ctworkcomp.com, jdodge@ctworkcomp.com, HPorto@ctworkcomp.com,

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or by regular mail. We will respond acknowledging receipt of the file and provide you with
our recommendations for defense strategy.

Please contact us if you would like a copy of our laminated “Connecticut Workers’
Compensation at a glance” that gives a good summary of Connecticut Workers’
Compensation law to keep at your desk.

LEGISLATIVE UPDATE

There is proposed workers’ compensation legislation before the State Legislature.
Some of the proposed bills are:

Proposed Bill No. 828: An Act establishing a working group to examine the workers’
compensation program (designed to streamline and consider electronic filing)

Proposed Bill 6409: An Act concerning undue delay

Proposed Bill 5337: An Act concerning access to medical records to ensure low cost to
the claimant

Proposed Bill 6954: An Act regarding PTSD and inclusion of witnessing a serious
physical injury as a covered claim

Proposed Bill 6969: An Act not allowing compensation for claimants who have retired
from the workforce.

[H.B. 5609](#) AN ACT CONCERNING RETIREMENT BENEFITS AND WORKERS’
COOMPENSATION BENEFITS

[Proposed H.B. 6408](#) AN ACT EXPANDING COMPENSATION TO DEPENDENTS FOR A
DEATH RESULTING FROM AN ACCIDENT MPENSATION BENEFITS

[S.B. 1426 \(RAISED\)](#) AN ACT MAKING CHANGES TO THE FIREFIGHTERS CANCER RELIEF
PROGRAM

[Proposed H.B. 6413](#) AN ACT REQUIRING UNINSURED AND UNDERINSURED COVERAGE
FOR DEPARTMENT OF TRANSPORTATION EMPLOYEES

[H.B. 7046 \(RAISED\)](#) AN ACT MAKING REVISIONS TO THE SECOND INJURY FUND

[Proposed H.B. 5605](#) AN ACT CONCERNING MINOR REVISIONS TO THE WORKERS’
COMPENSATION ACT

[H.B. 6953 \(RAISED\)](#) AN ACT REQUIRING MUNICIPALITIES TO PROVIDE A PENSION TO POLICE OFFICERS AND FIREFIGHTERS THROUGH PARTICIPATION IN THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OR ANOTHER COMPARABLE PENSION SYSTEM

[H.B. 6905 \(RAISED\)](#) AN ACT CONCERNING THE WORKERS' COMPENSATION SYSTEM

[S.B. 1222 \(RAISED\)](#) AN ACT CONCERNING PORTAL TO PORTAL WORKERS' COMPENSATION COVERAGE FOR PUBLIC WORKS DEPARTMENT EMPLOYEES

[Raised H.B. No. 7141](#) AN ACT CONCERNING COMPENSATION PAID TO INJURED EMPLOYEES AND THE FAMILY MEMBERS OF A DECEASED EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT.\

[Proposed H.B. 5337](#) AN ACT CONCERNING PATIENT ACCESS TO MEDICAL RECORDS

We will continue to keep you updated regarding any changes to the statutes. We wish to acknowledge the work of **Attorney Melanie Kolek** of the Connecticut Education Association who updates the CBA Workers' Compensation Section regarding proposed legislation.

CONNECTICUT WORKERS' COMPENSATION COMMISSION NEWS

IN MEMORIAM

The Connecticut Workers' Compensation Community was sad to hear of the recent untimely passing of two individuals who made significant contributions to the Connecticut workers' compensation system:

Attorney David Davis passed on March 1, 2025. Attorney Davis for many years defended workers' compensation claims for the law firm of McGann, Bartlett and Brown. Attorney Davis was known for his knowledge of the law and the professional manner in which he dealt with the Commission, fellow attorneys and claimants.

Dr. Michael Aronow passed on March 11, 2025 due to complications from a stroke sustained while in Egypt at a conference where he was teaching. Dr. Aronow was a renowned foot specialist and surgeon and worked at Orthopedic Associates of Hartford.

ADMINISTRATIVE LAW JUDGE NEWS

Judge Zachary Delaney resigned from the Connecticut Workers' Compensation Commission as of October 4, 2024. Judge Delaney has taken a position at Travelers. We extend our best wishes to Judge Delaney in his next endeavor

As previously discussed, Judge Colette Griffin, Judge Christine Conley and Judge Michael Anderson have all recently been sworn in and will begin presiding over cases.

In view of Judge Delaney's departure, Judge Fatone is now in the First District in Hartford, Judge Fenlator is in the Sixth District in New Britain and Judges Blake and Colangelo will be splitting their time between the Third District in New Haven and the Fourth District in Bridgeport.

Judge Barton retired at the end of 2024. A Retirement Celebration for Judge Barton sponsored by the Workers' Compensation Section of the CBA was held on Thursday, March 20, 2025 at the Aria Wedding & Banquet Facility in Prospect, CT. **Attorney Christopher Buccini of SDAZ** was the MC of the event in his role as Chair of the Workers' Compensation Section of the CBA.



JUDGE SCOTT A. BARTON

Judge Barton has started a mediation company called **ComProMise Mediation Services**. He recently was the mediator in a complicated Covid-19 case with our office that was successfully resolved. You can reach him for mediation services at 203-910-5137 or email at compromisems@gmail.com

MEMORANDUM 2024-07

Memorandum 2024-07 has been issued by Chief Administrative Law Judge Morelli regarding maximum compensation rates. The Chairman has ordered that the maximum total disability rate for injuries occurring after October 1, 2024 is **\$1,654.00** (based on the estimated average weekly wage of all employees in Connecticut). The maximum temporary partial/permanent partial disability rate for accidents after October 1, 2024 is **\$1,191.00** (based on the average weekly earnings of production and related workers in manufacturing in Connecticut).

BURIAL EXPENSES

As of January 1, 2025, the burial fee for deaths covered under the Workers' Compensation Act is \$14,371.23 based on the overall 2024 CPI-W increase for the northeast of 3.5%. Connecticut General Statutes Section 31-306 was amended in 2021 to reflect that the compensation for burial benefits will be adjusted by the percentage increase in the consumer price index for urban wage earners and clerical workers in the Northeast as defined in the United States Department of Labor's Bureau of Labor Statistics.

MILEAGE REIMBURSEMENT

As of January 1, 2025 the mileage reimbursement rate is 70 cents per mile.

Previously on January 1, 2024, the mileage reimbursement rate was 67 cents per mile, on January 1, 2023 the mileage rate had been 65.5 cents per mile and as of July 1, 2002 the rate had been at 62.5 cents per mile.

MEMORANDUM 2024-05

The Chairman has issued the following new memo which stated that physicians can charge for causation or permanency opinions in a denied case:

Effective July 1, 2024, a treating physician who is asked to provide a causation opinion or a Permanent Partial Disability (PPD) rating on a **denied** claim may charge up to \$400 for this report. The report must be affirmatively requested by the patient or their representative, and the patient would be responsible for payment. As with standard special report fees, if a physician feels that an additional fee is warranted, they may seek permission to charge that higher rate from an administrative law judge. However, physicians considering requesting additional fees should keep in mind that the patient bears the responsibility for payment and should proceed accordingly.

The Professional Guide for Attorneys, Physicians, and Other Health Care Practitioners and the Payor and Medical Provider Guidelines to Improve the Coordination of Medical Services will be updated to reflect this change.

MEMORANDUM 2024-04

Effective June 14, 2024, the following changes have been made to WCC forms:

- Form 30C has been updated with “Check, if Firefighter Cancer Claim pursuant to C.G.S. Chapter 568” and “Check, if Firefighter Cancer Claim pursuant to C.G.S. Section 7-313p” to help WCC better track Firefighter Cancer claims pursuant to [Public Act No. 22-139](#). Language on Post Traumatic Stress Injuries has also been updated to reflect such injuries are pursuant to C.G.S. Section 31-294k.
- Form 30D has been updated with “Check, if Firefighter Cancer Claim pursuant to C.G.S. Chapter 568” and “Check, if Firefighter Cancer Claim pursuant to C.G.S. Section 7-313p” to help WCC better track Firefighter Cancer claims pursuant to [Public Act No. 22-139](#).
- The Hearing Request Form has been updated to allow the option for an email address to be added under the Injured Worker section.
- Voluntary Agreement Form has been updated with “Check, if C.G.S. Sec. 5-142” to help WCC better identify wage calculations which are pursuant to C.G.S. [Sec. 5-142](#).
- WCR-1: Rehabilitation Request Form has been updated with options to either fax or email the form to Rehabilitation Services in addition to mailing or submitting the form in-person. An optional line has also been added for applicants to add their email address.

Effective June 14, 2024, the following form is now available:

- Indemnity Only Stipulation and What it Means.

MEMORANDUM 2024-03

Effective July 1, 2024, wage statements should be attached to all Voluntary Agreements. If the claimant is concurrently employed, wage statements from all employers should be included with the submission. Failure to attach a wage statement(s) will result in the rejection of the Voluntary Agreement.

WORKERS' COMPENSATION PORTAL

The Commission does have a website where you can look up such information as to whether a hearing is assigned, list of all claims for an employee, status of a Form 36,

and interested parties. This is quite a useful site and is a different website than the Commission's main site. It can be found at:

<http://stg-pars.wcc.ct.gov/Default.aspx>

NEW COMPENSATION REVIEW BOARD PANEL

The new CRB panel beginning January 1, 2025 will be Administrative law Judges Peter C. Mlynarczyk and Daniel E. Dilzer along with Chief Administrative Law Judge Morelli.

CASE LAW

GARDNER V. DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, Conn. (March 18, 2025)

The claimant sustained a compensable left hand injury on April 19, 2016. She underwent two surgeries to the hand. Dr. Ashmead, the treating physician, rendered an opinion on March 11, 2020 that the claimant had attained maximum medical improvement within an 8 percent rating for the left wrist. Also, Dr. Ashmead indicated the claimant continued to have work limitations and could not lift greater than 20 pounds. The respondents, based on Dr. Ashmead's report filed a Form 36 seeking to establish maximum medical improvement and begin permanency payments. Claimant's counsel, however, objected to the Form 36 contending that the claimant was entitled to ongoing temporary partial benefits and that the trial judge could, in his discretion, order temporary partial benefits under the provisions of General Statutes Section 31-308(b). The trial judge noted the claim was "novel" but concluded that the claimant had achieved maximum: improvement and that the Form 36 should be approved for permanency benefits. On appeal, the compensation review board affirmed the ruling of the trial Judge that permanency benefits were owed and not ongoing temporary partial benefits. The Appellate Court affirmed the CRB decision, however, the Connecticut Supreme Court reversed that and concluded that a Judge has "the discretion to award a claimant, after he or she reaches maximum medical improvement, ongoing temporary partial benefits under Section 31-308(a) in lieu of permanent partial disability benefits under Section 31-308(b), up to the statutory maximum of 520 weeks."

In our opinion, this is a significant decision which increases possible exposures for temporary partial benefits and, in general, increases the settlement value of many cases where the claimant cannot return to work in their usual position.

COCHRAN V. DEPARTMENT OF TRANSPORTATION, 350 Conn. 844 (2024)

In this important decision, the Supreme Court held that a worker who is retired and took himself out of the workforce was entitled to a claim for total disability benefits made post-retirement.

The claimant sustained a compensable back injury in 1994. Surgery was performed in June 1994; a further back surgery was performed in April 1995. A voluntary agreement was issued and approved in 1995 for 29.5% of the lumbar spine.

On April 1, 2003 the claimant, at age 54, took an incentivized early retirement from the employer. The plaintiff had no intention of returning to work. In 2013 the claimant had back surgery with an allegedly unauthorized New York physician. A CME by Dr. Dickey in 2017 gave the “lightest” work capacity to the claimant. Dr. Sabella, a vocational specialist, found the claimant unemployable. The trial judge found the 2013 back surgery related and ordered a three month period of total disability following the 2013 surgery and ongoing total disability beginning on December 30, 2017. The CRB affirmed the decision. The Appellate Court reversed the Board decision; in doing so, the Court stated it had plenary review over the case (meaning that they did not have to defer to the CRB below regarding the application of the law).

The Appellate Court’s decision stated that: “he elected to remove himself from the workforce where he had no intention of returning and more than 10 years later sought to obtain Section 31–307(a) benefits. We cannot conclude the plaintiff is entitled to Section 31–307(a) benefits when he removed himself from the workforce with no intention of returning.” The Appellate Court found this to be an issue of first impression before the Court.

The Supreme Court reversed the Appellate Court and concluded that “the statute as written entitles all medically qualified claimants to receive total incapacity benefits, with no exception for those claimants who may also be voluntarily retired.” The Court also stated “evidence of willingness to work has never been required to establish eligibility for total incapacity benefits.” The Court held that total disability benefits serve a “dual-purpose: to compensate for both wage loss and loss of earning power.”

The respondents had also raised the issue on appeal as to whether payment of total disability benefits were owed since there was no finding that the surgery performed was reasonable, necessary and available in Connecticut. Since that issue had not been addressed by the Appellate Court, the Supreme Court remanded the case back to the Appellate Court to address that issue.

MARTINOLI V. STAMFORD POLICE DEPARTMENT, 350 Conn. 868 (2025)

The claimant sustained a compensable heart condition in January 1999. He retired at age 64 in October 1999. In 2015, at age 80, he sustained a stroke and claimed

entitlement to total disability at that time. The Judge and CRB found the stroke related to the initial claim and awarded total disability benefits to the retiree. The Appellate Court, however, reversed and said a retiree was not entitled to claim total disability benefits post-retirement. On appeal to the Supreme Court, however, the Supreme Court reversed the Appellate Court and determined that voluntary retirees could receive total disability benefits. The Court cited the companion case of *Cochran V. Department of Transportation*, 350 Conn. App. 844 (2024). (see above summary of *Cochran*).

The case was remanded back to the Appellate Court to address two other issues raised on appeal by the respondents that had not been addressed by the Appellate Court.

NAPOLITANO V. ACE AMERICAN INSURANCE COMPANY, 350 Conn. 871 (2024)

This decision from the Supreme Court dealt with the issue of cancellation of a workers' compensation policy and whether it complied with the terms of General Statutes Section 31-348; that statute indicates that cancellation of a policy is not effective until fifteen (15) days after the cancellation has been filed. In this case the employer had a series of three workers' compensation policies with the employer. Notice on March 28, 2018 was issued to the employer regarding an audit noncompliance charge. On April 5, 2018 two notices were sent to the employer stating that the employer had not complied with requests for payroll information; the second notice on April 5, 2018 indicated that the coverage would terminate on April 25, 2018. On April 10, 2018 the employer's agent advised the employer that they were compliant. An employee was injured on May 29, 2018; the carrier denied coverage and claimed that the policy had been cancelled. At a formal hearing an ALJ found that there was no coverage based on the information NCCI reported; the ALJ did not address contractual claims at the formal hearing. The employer and the second injury fund settled the compensation case with the claimant for \$225,000. The employer brought a civil action against the carrier asserting claims of breach of contract, bad faith, negligent misrepresentation and promissory estoppel. At the trial level, a Judge granted a summary judgment motion filed by the plaintiff employer concluding that the notice of cancellation was not unambiguous and unequivocal as required to be effective. Additionally, the carrier's motion to strike a bad faith claim was granted. On appeal, the Appellate Court reversed and concluded that the notice was unambiguous that the policy was going to be cancelled. It determined that the notice was certain and unequivocal. The Court also determined that the motion to strike the bad faith claim was error. The Connecticut Supreme Court reversed the Appellate Court decision and found that the notice of cancellation was not sufficient to cancel the policy. The Supreme Court stated "we conclude, instead, that, when a court considers whether notice of cancellation made under a workers' compensation insurance policy was sufficiently definite and certain, it must consider all relevant communications between the parties, rather than limit its analysis to the notice received by the chairperson under Section 31 – 348." The Supreme Court concluded that the policy remained in place on the date of accident.

MORGAN V. SULZER PUMPS SOLUTIONS, INC., 6531 CRB-1-24-2 (January 22, 2025)

In this decision, the Compensation Review Board (“CRB”) held that the twenty-day period to appeal a finding to the CRB as set forth in Section 31-301(a) begins to run when the appellant’s grievance for appeal has been determined by way of finding, order, or decision.

The underlying claim proceeded through three formal hearing sessions, then a Finding and Award, which ordered the respondents to accept compensability of a right shoulder injury, was issued on December 21, 2023. The claimant filed a motion to correct the Finding and Award on January 3, 2024, and the motion was denied in its entirety on February 8, 2024. The respondents did not file a post-judgment motion, though they subsequently filed a petition for review on February 27, 2024.

The claimant filed a motion to dismiss the appeal as untimely. The CRB held that the following language of Section 31-301(a) was ambiguous as to whether an appellant’s appeal would be timely if taken within twenty days following a ruling on its counterparty’s post-judgment motion, given the appellant was aggrieved by a finding it did not seek to correct by way of motion: “If a party files a motion subsequent to the finding and award, order or decision, the twenty-day period for filing an appeal of an award or an order by the commissioner shall commence on the date of the decision on such motion.”

The CRB dismissed the respondents’ appeal as untimely, relying on its analysis in Gonzalez v. Premier Limousine of Hartford, 5635 CRB-4-11-3 (April 17, 2012) and the Connecticut Supreme Court’s analysis in Stec v. Raymark Industries, Inc., 299 Conn. 346 (2010) and Dechio v. Raymark Industries, Inc., 299 Conn. 376 (2010) in holding that the twenty-day timeframe set forth in Section 31-301(a) began to run for the respondents once its grievances for appeal had been determined, which occurred on December 21, 2023, the date the Finding and Award was issued.

MASSENA V. CITY OF STAMFORD, 6534 CRB-7-24-3 (February 21, 2025)

This case involved a heart and hypertension injury under General Statutes Section 7-433c for a firefighter with date of injury February 27, 2008. The claimant worked for the

City from 1989 to 2018. The claimant sought to preclude the respondent from raising issues regarding evidence of hypertension in the pre-employment medical exam and also sought to bar the respondents from inquiring of the treating physician regarding the issue. The respondents had filed three timely Form 43's but the claimant alleged that issues concerning the pre-employment exam had not been raised in the disclaimers. The Judge denied the Motions to Preclude and the CRB affirmed finding that the language of the Form 43's was sufficient.

ACRONYMS USED IN CONNECTICUT WORKERS' COMPENSATION:

ACRONYMS/ABBREVIATIONS	MEANING OR USE
ALJ	Administrative Law Judge.
AOE	Arising from employment.
App Ct	Appellate Court.
AWW	Average weekly wage. Generally, the average wage we use based on the gross earnings from 52 weeks of wages before work accident.
AX	Abbreviation of accident in medical or adjuster notes.
CHIRO	Abbreviation for chiropractor.
CME	Commission Medical Exam. An exam scheduled by the Judge to address issues re diagnosis, work capacity, mmi and causation. Usually scheduled after conflicting doctor opinions are produced by the parties.
CMS	Centers for Medicare and Medicaid Services. Amongst other things, CMS reviews Medicare set aside accounts (MSA's) to determine if they properly protect Medicare's interest in settlement of workers' compensation claims.
COE	Course of employment.
CR	Compensation Rate. The actual rate on weekly basis paid to an injured worker. Calculated based on the injured worker's tax filing status and applying that to the average weekly wage.

CRB	Compensation Review Board. Three-member board that reviews on appeal workers' compensation decisions from Judges.
DEPO	An oral statement under oath where attorneys on both sides are allowed to pose questions to the deponent.
DJD	Degenerative joint disease.
DOI	Date of injury.
EE	Employee
ER	Employer
ESI	Epidural Steroid Injection. Used by pain management specialists to treat spine injuries.
FCE	FUNCTIONAL CAPACITY EVALUATION: Generally, an examination performed by a physical therapist to determine what restrictions an injured worker has regarding work capacity.
FD	Full duty.
FROI	First report of injury.
HX	Abbreviation for history in medical notes.
IND	Indemnity: the weekly wage loss payment made to an injured employee.
LD	Light duty.

MBB	Medial Branch Block. Injection to spine by pain management specialist. Usually, a precursor to RFA procedure.
MCP	Medical Care Plan. A list of doctors that have been approved by the Chairman office for an employer; injured workers for an approved MCP must treat with only the doctors in the MCP. In general, most employers do not have an approved MCP.
MMI	Maximum medical improvement. The point where functionally there is likely not going to be improvement in the future. It is our goal to get the employee to this point as early as possible.
MSA	Medicare Set-aside account. The amount of money set aside for future medical treatment at the time of settlement of a work injury. Often, the MSA is reviewed and approved by CMS.
NCM	Nurse case manager. A nurse assigned by an insurance carrier to assist the injured worker in scheduling tests, exams, PT and surgery.
NOA	Notice of appearance: generally filed by counsel with commission and all parties when they enter the case.
OH	Occupational health.
OTC	Over the counter, generally refers to non-prescription medications
OTC	Occupational therapy.
PA	Physician Assistant
PPD	Permanent partial disability. The level of ratable impairment to a particular body part; usually only given at mmi.
PT	Physical Therapy

RFA	Radiofrequency Ablation. Surgical procedure using radiofrequency waves to create heat and kill tissues. Can be used for spine pain.
RME	Respondent medical examination (used to be called Independent medical Examination: IME). An examination scheduled by the respondents/employers/carriers to address work capacity, causation, permanency, maximum medical improvement etc.
RPI/Rep Trauma	Repetitive trauma injury such as carpal tunnel or hearing loss claim.
SED	Sedentary duty.
SOL	Statute of Limitations, generally referring to the time period within which a civil claim in superior court can be filed.
SSDI	Social Security Disability (not regular retirement benefits). A federal program for disabled individuals. Generally, people receiving this benefit are on Medicare and receive monthly indemnity payments.
STIP	Abbreviation for stipulation: generally, refers to full and final settlement document approved by the Administrative Law Judge.
Sup Ct	Supreme Court
SX	Abbreviation for surgery.
TKR	Total knee replacement.
TP	Temporary partial disability. Paid to injured employee when they are capable of light or sedentary work and not their regular job.
TT	Temporary Total disability. Paid when an injured employee cannot perform any work.

WCC

Workers' Compensation Commission