



Successes

SHE SAID SHE SUFFERED MENTALLY BECAUSE OF WHAT HAPPENED ON THE JOB. HER MEDICAL RECORDS TOLD ANOTHER STORY.

From the beginning, something about the workers' compensation claim—indeed, something about the claimant herself—didn't seem right.

Defending a major manufacturer and its insurer against the claim, Goldberg Segalla's Ryan K. Allen was determined to ferret out the truth.

A woman in her 40s who had worked for several years as a brazer for a major manufacturer, repairing cracks in engine parts by filling them with molten metal, was claiming the company hadn't responded properly to her sexual-harassment complaint against a co-worker. Consequently, she had suffered psychologically, according to her claim, and had been unable to work anywhere ever since.

Ryan, a member of Goldberg Segalla's Workers' Compensation Practice Group, has handled more than a few such claims. Through experience, he knew that cases involving a plaintiff who alleges suffering mentally because of someone else's action or inaction call for investigating the plaintiff's medical history for past or pre-existing psychological issues. Through perseverance, Ryan got what he needed to complete that investigation; after numerous attempts, he compelled the plaintiff, at the direction of the workers' compensation board, to sign medical releases allowing him to see the woman's medical records.

Though Ryan's approach to the case was typically self-assured and methodical, it also was informed by a certain sense of urgency and a commitment to do everything he could for his client. At stake was a lot of money; though the claimant wasn't asking for a specific amount, she was claiming permanent disability and wage loss. Because of what had happened to her at the manufacturing plant, she maintained, no longer could she work there or anywhere else. Were her claim approved, Ryan's client would be liable for untold millions of dollars.

So what the attorney found in the claimant's medical records, though not entirely surprising, was a welcome if sad discovery: The woman had been undergoing treatment for mental illness for more than 20 years, since well before she started working at the manufacturing plant. Nothing had changed.

At the hearing that followed, the judge—presented with these findings as well as the results of an independent medical examination of the woman, her doctor's deposition, and her on-the-record, categorical denial of a pre-existing condition—denounced the claimant's story as an "egregious misrepresentation" of the facts.

In June 2018, the workers' compensation board disqualified all future indemnity benefits and rescinded all of the claimant's past indemnity benefits as well as the woman's attorney's fees. In July, the woman's appeal failed unanimously.

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