

# LENAHAN & DEMPSEY WINS LANDMARK STATE SUPREME COURT RULING PROTECTING INJURED WORKERS



*Attorney Matthew Dempsey*

The Pennsylvania Supreme Court has handed down a landmark ruling in a local Workers' Compensation case that has far reaching implications for injured workers across the state and beyond.<sup>1</sup> The case was handled by Attorney Matthew Dempsey of Lenahan & Dempsey.

The Court has issued a decision that protects injured workers whose companies close or move out of the area, leaving the injured worker unable to find another job within his physical limitations.

The case involved a local man who was seriously injured when he was hit by a car while on the job for a local company. He underwent rehabilitation, but was left

with a partial disability. He was eventually able to return to work with his original employer in a less strenuous position, but at a reduced rate of pay. After having continued difficulties performing that position, the man left that position a short time later to begin work with a different employer in a better paying, less physically demanding job. During this time, the former employer did not have to pay him workers' compensation benefits.

Unfortunately, however, after working in this new position for over four years, the worker was laid off by his new employer. Since he still remained partially disabled as a result of his work injury with his original employer, and was unable to find work within his physical limitations, he sought to be reinstated with workers' compensation benefits from his former employer where he had been injured. The former employer denied his workers' compensation claim on the basis that he had voluntarily left his job with them, and they had since closed their local facility and no longer had a job to offer him. The Workers' Compensation Appeal Board and later the Commonwealth Court agreed with the employer, and continued to deny benefits.

Attorney Matthew Dempsey then appealed the case to the Pennsylvania Supreme Court. The Court agreed with him that society should encourage workers to lawfully better their economic circumstances and that injured workers should not be penalized when an employer moves or closes a facility. The Supreme Court also changed the burden of proof in cases involving this situation. The Pennsylvania Supreme Court reinstated Attorney Dempsey's client's benefits retroactive to 2003.

According to Attorney Matthew Dempsey, "This is a landmark decision that has implications for all injured workers, especially in light of the current difficult economy. My client did everything you are supposed to do when you are injured on the job. He rehabbed his injury and sought a better paying, less physically demanding job, and then unfortunately was laid off from that position and unable to find a similar position due to his physical restrictions. This ruling puts important protections in place for workers in similar situations and should now be considered a basic right for all injured workers."

Lenahan & Dempsey is home to three lawyers named to Best Lawyers in America and six Pennsylvania Super Lawyers,<sup>2</sup> including Matthew Dempsey, as published in Philadelphia Magazine. Visit [www.LenahanDempsey.com](http://www.LenahanDempsey.com) and click "Settlements and Verdicts"<sup>1</sup> to see what they have done for other clients and then call and see what they can do for you.

---

## LENAHAN & DEMPSEY P.C.

---

Attorneys at Law

*The Right Choice... When Things Go Wrong™*

# 1-888-536-2426

**SCRANTON • WILKES-BARRE • STROUDSBURG • BERWICK**

<sup>1</sup> The facts of each case are different. No specific results are implied. Descriptions of awards in previous cases are no guarantee of future results and should not create any expectations that our firm, or any firm, can achieve similar results in another case.

<sup>2</sup> Selection criteria for Best Lawyers and Super Lawyers can be found at [www.LenahanDempsey.com](http://www.LenahanDempsey.com)