



MJ INSURANCE
SORORITY DIVISION

Workers' Compensation Case Study

Scenario

The employee fell on the ramp outside the house and injured his leg. The insured disputed the employee's injury because he was working the next day and was not limping. The injured employee then told the insured he would be off work because the doctor did not know the full extent of his injury without an MRI. Despite the concerns of the insured, the claim was accepted. The employee was released to work, but with restrictions with which the insured could not comply. The doctor requested surgery on the employee's knee, which the employee wants to do; however due to the employee being overweight, he could not find a surgeon who would operate. The issue is whether the carrier is liable for the injured employee's gastric bypass surgery, which the employee looked into before the injury. The carrier submitted their opinion to panel doctors, and they found the carrier is liable for the bariatric surgery. The injured worker's knee surgery is on hold until the bariatric surgery is completed, and the employee is a better candidate for knee surgery.

Result

In summarization, there was an admitted knee injury but due to non-industrial health issues (obesity), the employee's attorney and adjuster agreed to an Accredited Medical Exam specifically on need for bariatric surgery on industrial basis. The report confirmed the liability on the carrier to provide surgery, which is scheduled soon. The workers' compensation carrier has paid \$59,757 thus far and has set aside an additional \$78,884 in reserves (what the carrier expects to pay additionally).

Issues to Discuss

1. What procedures do you have in place to prevent slips and falls?
2. What policies could have been in place to prevent a claim like this from happening in the first place?

Refer to Workers' Compensation
resources on our website at
www.mjsorority.com.