

ATTORNEY NATALIA VERDE WINS AFTER TRIAL ON PERMANENCY

The Gavel Member: Connecticut / New Jersey - Lois Law Firm, Workers' Compensation

The claimant alleges that she was injured on January 3, 2022, wherein she was picking up multiple trays at once and the trays fell on her right hand. This claim was established to the right hand/wrist, right middle finger and right ring finger. The claimant's treating doctor filed a permanency report dated January 3, 2023 in which he diagnosed the claimant with a 18.75% SLU of the right wrist, a 24% SLU of the right ring finger, and a 34% SLU of the right middle finger. Total exposure value if all SLUs were applied would be \$34,887.53. LOIS attorney Natalia Verde obtained an IME on April 11, 2023 and the independent examiner diagnosed the claimant with a 0% SLU based on the full range of motion in the right wrist and 3rd and 4th digits in the right hand.

The Board filed a Notice of Proposed Conciliation Decision on May 30, 2023. The Board noted that the records contain differing opinions from the treating doctor and independent examiner on the claimant's SLU. Therefore, the Board directed parties to discuss in an attempt to reach an agreement. We attempted settlement with claimant's counsel; however, claimant's counterdemand was not within our settlement evaluation.

We took depositions of the treating doctor and independent examiner. During the treating doctor's deposition, we were able to get the doctor to confirm that his SLU calculations were improper and not in accordance with the medical treatment guidelines. We argued that the independent examiner's report and testimony were more credible than that of the treating doctor.

The Law Judge issues a Reserved Decision finding the claimant to have a 0% SLU of the right wrist, right ring finger, and right middle finger. The Law Judge noted in the decision that the independent examiner's opinion was more credible than the treating doctor's opinion and stated that the treating doctor's findings were questionable as the claimant continued to work after the incident, did not seek medical treatment initially, and underwent multiple physical therapy treatments.



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