



EM Helps Client Recover Nearly \$30K in Rescinded Indemnity Benefits in Voluntary Removal Case

The Claimant was a respiratory therapist with a local Syracuse hospital who had suffered an allergic reaction to latex. The Claimant was classified as “permanently partially disabled” three years later. The prior TPA was directed to continue payments at \$350, as the Board had affirmed that the claimant remained attached to the labor market.

EM's adjuster subsequently took over this claim and further pursued the question of voluntary removal from the labor market. The claimant had already earned her Bachelor's degree, and quit her part-time job to pursue full-time graduate education. The adjuster worked closely with the defense counsel to assert that the claimant was "fully capable of returning to the labor market in many respects within her current restrictions" and that the claimant "has made a conscious decision to return to school to pursue another degree." Given this information, EM alleged that the claimant was not entitled to ongoing indemnity awards.

The Board Panel found that indemnity awards should be suspended AND rescinded as a result of the claimant's voluntary removal from the labor market.

This resulted in a concrete savings for EM's client of more than \$29,900 in indemnity benefits to date -- representing 85.6 weeks of indemnity benefits rescinded.