

Case Notes

Compensation judge clearly abused his discretion by refusing to continue hearing on claimant's motion when counsel received copy of employer's medical expert's report moments before hearing. *Waters v. Island Transp. Corp.*, 229 N.J.Super. 541, 552 A.2d 205 (A.D.1989).

Workers' compensation judge must respect and ensure due process and fundamental rights of litigants. *Waters v. Island Transp. Corp.*, 229 N.J.Super. 541, 552 A.2d 205 (A.D.1989).

There was no waiver of cross-examination of petitioner's medical witness by failure of request in pre-trial memorandum (citing former N.J.A.C. 12:235-4.16, 5.55, 5.56 and 5.62). *Indelicato v. Town of West New York*, 170 N.J.Super. 563, 407 A.2d 837 (App.Div.1979).

12:235-5.10 Conduct of formal hearings

(a) Attorneys representing both petitioners and respondents shall provide sufficient personnel to handle all lists expeditiously.

(b) Only an attorney at law licensed to practice in the State of New Jersey shall act as attorney of record, or appear and prosecute or defend any action in any formal hearing.

(c) Hearings shall be scheduled by the Director or a designated representative of the Director.

(d) The Judge of Compensation shall, at the commencement of the day, call the list of cases in open court. No adjournment shall be granted unless there is found to be good cause. No adjournment shall be granted for medical examination unless the name of the examining physician and date of examination are supplied.

(e) Trials shall commence and continue in a timely manner subject to scheduling constraints of the Division. Said scheduling may be accelerated as ordered by the Director, the Supervising Judge of the vicinage or the Judge of Compensation to whom the case has been assigned.

(f) All formal hearings or applications shall be conducted in open court, except when the Supervising Judge of the district deems the matter to be so delicate that the hearing of a party or witness in camera is warranted. When this occurs, a stenographic record shall be made.

1. Bifurcation of any trial may be permitted by the Judge of Compensation. The order of proof shall be determined by the Judge of Compensation to whom the case is assigned.

(g) All formal hearings including motions where a record is required shall be recorded stenographically by a certified shorthand reporter subject to such limitation as may be provided by statute.

1. Upon a determination reached at the conclusion of all hearings, including motions, the cost for the attendance of the certified shorthand reporter shall be assessed by the Judge of Compensation. Transcripts of the testimony may be obtained from the certified shorthand reporter at the official scheduled rates.

(h) When there are pending in the Division two or more formal proceedings involving a common question of law or fact arising out of employment by the same employer or different employers, or out of the same accident or series of accidents, or out of the same exposure or series of exposures, to causes of occupational disease, the Judge of Compensation or the Director may, on motion, or on the Judge's own initiative, order a joint hearing of any or all matters in issue. The Director may order all such proceedings consolidated, and have such orders concerning proceedings designed to avoid unnecessary costs or delay. The order shall state the county in which the consolidated proceedings are to be heard.

(i) Upon the commencement of a formal hearing, counsel may make opening statements on behalf of their respective clients. All matters agreed upon shall be stipulated upon the record. However, this shall not bar the parties from making further stipulations as the trial proceeds, until the close of the formal hearing.

(j) Counsel may make closing statements or file post-trial briefs. Post-trial briefs, if ordered or volunteered, shall be submitted within 15 days after the conclusion of the hearing. Each party thereafter may have seven days to file a reply brief, if so desired or ordered.

(k) Prior to the testimony of an expert witness, the producing party shall provide the Judge of Compensation and opposing counsel with a written curriculum vitae of the witness.

(l) Questions calling for the opinion of an expert witness need not be hypothetical in form, unless the Judge of Compensation in the Judge's discretion so requires. If the hypothetical question is submitted in written form, counsel shall provide sufficient copies for the Judge of Compensation, opposing counsel, the witness and the stenographer, and the hypothetical question may be marked as an exhibit in the proceedings in lieu of reading it to the witness.

(m) All medical experts for both parties who regularly examine petitioners to determine the nature and extent of their disability shall adhere to the vacation schedules established annually by the Director. If such medical expert is not available to testify because of an unexcused absence at any other time, the Judge of Compensation may require the party for whom such medical witness is to appear, to arrange for an examination and appearance at trial by another medical expert.

1. A medical expert who regularly examines petitioners means a medical expert who performs a minimum of 25 workers' compensation examinations per year.

(n) All exhibits shall be marked with an identifying number, the date of submission and initials of the court reporter.

Disk injury was compensable notwithstanding three years between work accident and surgeries. *Quinn v. Coca Cola*, 95 N.J.A.R.2d (WCC) 21.

Previous foot fracture did not preclude disability for subsequent amputation of foot. *Rice v. Modern Disposal*, 95 N.J.A.R.2d (WCC) 18.

Truck driver serving interests of employer at time of disability was employee entitled to compensation. *Fulling v. Crown*, 95 N.J.A.R.2d (WCC) 14.

Individual was not an independent contractor, but was an employee for unemployment compensation purposes when no indicia of an independent business was present. *LBK Computer v. Department of Labor*, 95 N.J.A.R.2d (LBR) 13.

Exposure to Bromine during course of employment warranted partial total disability for anxiety stress disorder. *Wegrzynek v. Exxon Chemical*, 95 N.J.A.R.2d (WCC) 12.

Transcriptionists retained by medical transcription service to transcribe and type information from recording tapes in their homes were not independent contractors, but employees of transcription service for unemployment insurance purposes. *Transcriptions Ltd. v. Department of Labor*, 95 N.J.A.R.2d (LBR) 9.

Sheetrockers and tapers performing drywall services were employees of subcontractor for unemployment insurance purposes. *Wayne Construction v. Department of Labor*, 95 N.J.A.R.2d (LBR) 7.

First employer's insurer remained liable absent aggravation of work-related injury in subsequent employment. *Heathcote v. Cape May*, 95 N.J.A.R.2d (WCC) 6.

Subsequent employers not liable for incapacity due to injury and prior employment. *Cook v. Imperial*, 95 N.J.A.R.2d (WCC) 2.

Failure to rehire employee after returning from vacation was not retaliatory as due to filing workers' compensation claim against employer. *Milleman v. Mid-Atlantic Mechanical*, 95 N.J.A.R.2d (LBR) 1.

Flight attendant assaulted by co-employee; disability benefits. *Pelchat v. Continental Airlines*, 94 N.J.A.R.2d (WCC) 244.

Serious back condition; permanent partial disability. *Neves v. Cleve-Tenn Industries, Inc.*, 94 N.J.A.R.2d (WCC) 237.

Mentally handicapped employee; totally disabled; accident during employment. *Williams v. Accurate Bushing Co.*, 94 N.J.A.R.2d (WCC) 231.

Any on-the-job injury or disability; proof. *Awkward v. State of New Jersey*, 94 N.J.A.R.2d (WCC) 228.

Permanent partial disability; psychiatric and dermatological disability experienced during employment. *Gass v. Avalon Plumbing & Appliance*, 94 N.J.A.R.2d (WCC) 224.

Part-time employee; proof of partial permanent disability. *Edge v. United Parcel Services*, 94 N.J.A.R.2d (WCC) 221.

Employee exposed to asbestos; partial permanent disability. *Tiger v. Manville Sales Corp.*, 94 N.J.A.R.2d (WCC) 219.

Psychological disability; not result of employment. *Zubow v. Dean Witter Trust Co.*, 94 N.J.A.R.2d (WCC) 214.

Psychiatric injury; not result of employment. *Halpin v. Commerce Life Insurance*, 94 N.J.A.R.2d (WCC) 212.

Partial disability; exposure to asbestos during employment. *Behm v. Jersey Central Power and Light*, 94 N.J.A.R.2d (WCC) 209.

"Home friend" failed to show that she suffered from a disability permanent in quality and partial in character, and failed to establish the basis for awarding temporary disability benefits. *Mathis, Eula v. New Community Corporation*, 94 N.J.A.R.2d (WCC) 204.

Part-time clerk who tripped over construction material on the public sidewalk in front of a college-owned parking building which was controlled by a Ground Lease tenant was denied her claim against the college. *Burgos v. Essex County College*, 94 N.J.A.R.2d (WCC) 202.

Warehouse employee suffered post traumatic stress disorder and was entitled to temporary disability and partial total disability benefits. *Yaviliak v. Twin County Grocers*, 94 N.J.A.R.2d (WCC) 197.

Widow and minor children were entitled to dependency benefits when officer died from AIDS. *Laugherty v. City of Jersey City*, 94 N.J.A.R.2d (WCC) 194.

Failure to establish that there was an employer/employee relationship between the parties at the time of the accident. *Scillath v. Jed Scott Auto Parts*, 94 N.J.A.R.2d (WCC) 193.

Sewerage plant laboratory technician failed to prove that her employment was a material cause of her pulmonary disability. *Raines v. Passaic Valley Sewerage Commission*, 94 N.J.A.R.2d (WCC) 191.

Senior citizen toll collector who became disabled was entitled to have his wages reconstructed at the rate of hours worked by people doing the same type of work on a full time basis. *Sheridan v. New Jersey Highway Authority*, 94 N.J.A.R.2d (WCC) 187.

Plumber sustained a compensable partial permanent orthopedic disability and a psychiatric disability. *Abrantes v. Achieve Plumbing & Heating*, 94 N.J.A.R.2d (WCC) 185.

Employee's application for modification of prior award of benefits and claim for new injury were appropriately denied. *MacGillis v. Papa Sarris T/A La Mirage & Conair*, 94 N.J.A.R.2d (WCC) 182.

Award of benefits for partial/total disability was appropriate. *Vieira v. Arena Construction*, 94 N.J.A.R.2d (WCC) 180.

Worker's compensation benefits awarded to decedent's grandson. *Mangielle v. Lenox, Inc.*, 94 N.J.A.R.2d (WCC) 178.

Denial of additional worker's compensation benefits for an alleged additional injury was appropriate. *Drost v. Manville Foodtown Store # 2811*, 94 N.J.A.R.2d (WCC) 174.

Sanction imposed against employer; refusing injured employee disability and medical treatment benefits. *Rush v. Ocean Township Board of Education*, 94 N.J.A.R. 2d (WCC) 171.

Award appropriate; asthma exacerbated by exposure to cigarette smoke and fumes. *Nardone v. Georgia-Pacific Company*, 94 N.J.A.R.2d (WCC) 165.

Denial of additional worker's compensation benefits. *Sayres v. J. Spinelli & Sons Excavating*, 94 N.J.A.R.2d (WCC) 163.

Permanent partial disability; Lyme disease. *Salender v. Jersey Central Power and Light Company*, 94 N.J.A.R.2d (WCC) 157.

Denial of worker's compensation benefits to intoxicated volunteer member of first aid squad was appropriate. *Cuba v. Kearny Volunteer Rescue Squad, Inc.*, 94 N.J.A.R.2d (WCC) 153.

Award of worker's compensation benefits to live-in domestic employee was appropriate. *Wint v. Malien*, 94 N.J.A.R.2d (WCC) 149.

Denial of worker's compensation benefits; injury occurred during commute to work. *Flanagan v. Avis Rent-A-Car Systems*, 94 N.J.A.R.2d (WCC) 146.

Total permanent disability and medical benefits appropriate; employee unlikely to work in the future. *Fisher v. Hygrade Furniture*, 94 N.J.A.R.2d (WCC) 138.

Dismissal of claim for increased disability was appropriate. *Lanno v. Jersey Shore Medical Center and Monmouth Dental Center*, 94 N.J.A.R.2d (WCC) 129.

Award for partial/total disability; objective/demonstrable medical evidence test. *Dalfonzo v. Keansburg Ice & Fuel Co., Inc.*, 94 N.J.A.R.2d (WCC) 126.

Award to employee suffering from lung disease was appropriate. *Neiber v. Ingersoll-Rand Company*, 94 N.J.A.R.2d (WCC) 121.

Award for partial/total disability; orthopedic and neurological injuries. *Kane v. PMC Specialty Group*, 94 N.J.A.R.2d (WCC) 117.

Employee was entitled to worker's compensation benefits while engaged in a weight loss program. *Jaronko v. Bishop-Sanzari, Inc. & R. A. Hamilton*, 94 N.J.A.R.2d (WCC) 115.

No partial/permanent disability; injury did not interfere substantially with employee's life. *Intelli v. The Hose Shop*, 94 N.J.A.R.2d (WCC) 113.

Award of temporary disability payments and medical benefits was appropriate. *Keratt v. New Jersey Turnpike Authority*, 94 N.J.A.R.2d (WCC) 111.

Award made to employee with prior heart disorder who suffered partial/total disability was appropriate. *Doyle v. Highlands Borough*, 94 N.J.A.R.2d (WCC) 106.

Additional worker's compensation award to employee for the same injury was appropriate. *Landry v. Auto Life Management*, 94 N.J.A.R.2d (WCC) 104.

Award of worker's compensation benefits and finding of partial/total disability was appropriate. *Feliciano v. Wheelock Signals, Inc.*, 94 N.J.A.R.2d (WCC) 101.

Treatment and medical expenses were not compensable or reimbursable under the worker's compensation statute. *Gorin v. Kullman Industries*, 94 N.J.A.R.2d (WCC) 98.

Award for partial/total permanent disability was appropriate. *Alli-good v. Sears, Roebuck & Co.*, 94 N.J.A.R.2d (WCC) 97.

No objective medical evidence of disability. *Austin v. Fluets Corporation*, 94 N.J.A.R.2d (WCC) 94.

There was a failure to offer objective medical evidence of neuropsychological disability. *Kavanagh v. Hunterdon Developmental Center*, 94 N.J.A.R.2d (WCC) 91.

Failure to meet burden of proving permanent disability. *Ladezma v. Rebtex, Incorporated*, 94 N.J.A.R. (WCC) 90.

Cigarette-smoking asbestos worker; failure to prove that asbestos exposure contributed in material degree to lung cancer. *Gauntlett v. Johns-Manville*, 94 N.J.A.R.2d (UCC) 85.

Police officer failed to prove any ophthalmologic or orthopedic disability. *Rodriguez v. City of Newark*, 94 N.J.A.R.2d (WCC) 83.

Defendant's claim was barred when employee had accepted lump sum settlement. *Slinger v. Okonite Co., Inc.*, 94 N.J.A.R.2d (WCC) 82.

Employment accident; compensation for orthopedic injuries but not for high blood pressure. *Taylor v. Fell Corporation*, 94 N.J.A.R.2d (WCC) 78.

Multiple sclerosis; evidence established that work-related accidents aggravated dormant condition. *Toye v. Scholes Co. and S & M Electric Co.*, 94 N.J.A.R.2d (WCC) 74.

Employee did not meet his burden of proof; no objective medical evidence. *Kramer v. Level Line, Inc.*, 94 N.J.A.R.2d (WCC) 71.

Employment exposure to asbestos contributed in a material way to the development of employee's cancer. *Rustay v. Ingersoll-Rand Company*, 94 N.J.A.R.2d (WCC) 68.

Psychiatric condition allegedly due to work stress; not entitled to worker's compensation. *Bieyle v. V.R.H. Construction Co.*, 94 N.J.A.R.2d (WCC) 61.

Failure to prove that layoff was retaliation; filing workers' compensation claim. *Cosimano v. Gardner Merchant Food Services, Inc.*, 94 N.J.A.R.2d (LBR) 59.

Cough allegedly due to exposure to dust and paint fumes; not permanently disabled. *Chew v. Excell Wood Products*, 94 N.J.A.R.2d (WCC) 57.

Discharged employee injured in a car accident during the course of his employment; temporary disability and medical benefits. *Fouler v. Altenheim*, 94 N.J.A.R.2d (WCC) 52.

Travelling for business; worker's compensation. *Novis v. Rosenbluth Travel*, 94 N.J.A.R.2d (WCC) 51.

Inhalation of chlorine gas caused serious pulmonary impairment. *Eccles v. town of Kearny*, 94 N.J.A.R.2d (WCC) 45.

Award of disability benefits and payment of medical treatment by employer was proper. *Moytzoirellhs v. Greenbrook Nursing Home*, 94 N.J.A.R.2d (WCC) 41.

Employee's work-related injury was minor and did not affect his working ability. *Calvopina v. Menlo Building Maintenance Co.*, 94 N.J.A.R.2d (WCC) 40.

Failure to sustain burden of proof of occupational pulmonary disease and of work-related heart attack. *Yuzuik v. Union Carbide Corporation*, 94 N.J.A.R.2d (WCC) 36.

Employee failed to sustain burden of proving her condition substantially worsened. *Giordano v. Visiting Homemakers of Ocean County*. 94 N.J.A.R.2d (WCC) 31.

Dismissal; failure to appear and complete case. *McCoy v. Witco*, 94 N.J.A.R.2d (WCC) 30.

Sales consultant failed to demonstrate a compensable partial permanent disability. *Branch v. Macy's* 94 N.J.A.R.2d (WCC) 26.

Award in excess of award offered by employer was proper failure to demonstrate a preexisting percentage of disability. *Traberman v. Brio Sanditoy Corp.*, 94 N.J.A.R.2d (WCC) 24.

Temporary disability benefits; abdominal pain from morbid obesity. *Oliver v. Vineland Developmental Center*, 94 N.J.A.R.2d (WCC) 22.

Dependency benefits properly awarded to children of deceased firefighter; lung cancer. *LeFurge v. City of Plainfield*, 94 N.J.A.R.2d (WCC) 20.

Employee suffering from multiple sclerosis proved aggravation by work-related injury. *Cooney v. Terminex*, 94 N.J.A.R.2d (WCC) 16.

Worker sustained burden of proof in demonstrating a causal link. *Vaccarelle v. Exxon U.S.A.*, 94 N.J.A.R.2d (WCC) 11.

Dispatcher failed to sustain his burden of proof demonstrating a causal link between exposure to chemicals and lymphoma/leukemia. *Trucke v. Coastal Industries*. 94 N.J.A.R.2d (WCC) 9.

Auto worker; compensable partial permanent disability. *Blain v. Premier auto Body, Inc.*, 94 N.J.A.R.2d (WCC) 7.

Failure to sustain burden of proof of permanent partial disability. *Velez v. Difeo Auto Mart*, 94 N.J.A.R.2d (WCC) 3.

Landlord failed to prove that tenant was a causal employee. *Martin v. Pollard*, 94 N.J.A.R.2d (WCC) 1.

Claimant with orthopedic and pulmonary disabilities failed to show occupational disease. *White v. E.R. Squibb*, 93 N.J.A.R.2d (WCC) 158.

Claimant was not entitled to modification of award. *DeGennaro v. Greater New York Box Co.*, 93 N.J.A.R.2d (WCC) 150.

No entitlement to benefits where subjective evidence was supported only by minimal physical evidence. *Daly v. Owens-Brockway Glass Containers*, 93 N.J.A.R.2d (WCC) 141.

Machine operator failed to show partial permanent disability. *Merant v. Superwear Corporation*, 93 N.J.A.R.2d (WCC) 139.

Claimant failed to establish necessity or authorization for medical treatment or change in circumstances. *Jackson v. Clara Maas Memorial Hospital*, 93 N.J.A.R.2d (WCC) 138.

Modification of partial permanent rating not justified in absence of medical evidence demonstrating an increased disability. *Williams v. AT & T Technologies*, 93 N.J.A.R.2d (WCC) 130.

Separate back injuries while lifting bundles of newspapers at work justified partial permanent disability rating. *Smith v. Greater Media*, 93 N.J.A.R.2d (WCC) 128.

Physical pain and depression as a result of slip and fall at work justified total and permanent disability rating. *Ferrante v. CIT Group*, 93 N.J.A.R.2d (WCC) 117.

Homeowners were not liable for disability claim absent evidence of an employment relationship with injured carpenter. *Moore v. Hetrick*, 93 N.J.A.R.2d (WCC) 113.

Inability to operate foot pedal machinery justified permanent partial disability rating following ankle fracture in work-related accident. *Sto-pa v. Chanel*, 93 N.J.A.R.2d (WCC) 112.

Shoulder pain preventing employee from doing previous work justified permanent disability rating. *Juliano v. United Parcel*, 93 N.J.A.R.2d (WCC) 109.

Refining and reclaiming precious metals lead to permanent disability from asbestosis as a result of job. *Caggiano v. Engelhard*, 93 N.J.A.R.2d (WCC) 106.

Scars resulting from work-related burns justified partial permanent disability rating. *Holzheimer v. Bayonne*, 93 N.J.A.R.2d (WCC) 103.

Increased disability to back over and above accumulative prior awards was not shown. *Slappy v. Newark*, 93 N.J.A.R.2d (WCC) 100.

Objective medical evidence established a compensable partial permanent disability equivocal to three work accidents. *Mintz v. Busch*, 93 N.J.A.R.2d (WCC) 98.

Firemen earned no more than a 7.5 percent disability for chronic bronchitis. *Toomey v. Hoboken*, 93 N.J.A.R.2d (WCC) 94.

Employee failed to sustain burden of proof on issue of causation with respect to cut on forehead at work. *Levine v. Mueller*, 93 N.J.A.R.2d (WCC) 93.

Results of range-of-motion tests and functional restrictions established partial total permanent disability. *Laird v. Sambol*, 93 N.J.A.R.2d (WCC) 88.

Preexisting personality disorder precluded claim for psychiatric disability arising from incident at work. *Allen v. Children's Home Society*, 93 N.J.A.R.2d (WCC) 85.

Idiopathic event causing back injury was not connected to employment. *Field v. Clayton*, 93 N.J.A.R.2d (WCC) 84.

Worker's chronic back pain entitled him to permanent partial disability benefits. *Baptista v. Witco Corporation*, 93 N.J.A.R.2d (WCC) 78.

Worker was not entitled to increase in permanent partial disability benefits. *Napolitano v. Molecu Wire Corporation*, 93 N.J.A.R.2d (WCC) 76.

Worker's increased disability did not merit increase in compensation award. *Stefanick v. Johns-Manville Products Corp.*, 93 N.J.A.R.2d (WCC) 75.

Worker was entitled to award of permanent total disability benefits. *Shaw v. Long Branch Board of Education*, 93 N.J.A.R.2d (WCC) 72.

Worker injured off employer's premises was not entitled to award of compensation benefits. *Geres v. St. Peter's Medical Center*, 93 N.J.A.R.2d (WCC) 70.

Former employer was responsible for costs of worker's medical treatment. *Metros v. General Motors Corp., Hyatt Bearings Division*, 93 N.J.A.R.2d (WCC) 68.

Injury on coffee break in adjacent trucking company's yard did not arise out of employment. *Berkery v. Freightways*, 93 N.J.A.R.2d (WCC) 60.

Poor state of health entitled wife separated from worker at time of death to dependency benefits. *Woolcott v. Roma Food*, 93 N.J.A.R.2d (WCC) 58.

Fall by visiting home health nurse rated a 22 percent partial disability. *Backof v. Medical Center*, 93 N.J.A.R.2d (WCC) 56.

Surgeries performed following multiple head and facial injuries were a reasonable, medical necessity. *Byrd v. Off The Road Tire*, 93 N.J.A.R.2d (WCC) 54.

Back injury at work was directly related to next day's hospitalization for ruptured disk. *Hersh v. Hersh & Sherman*, 93 N.J.A.R.2d (WCC) 51.

Permanent partial disability was not established without objective medical evidence showing more than only some degenerative changes to back. *Morris v. K-Mart*, 93 N.J.A.R.2d (WCC) 48.

Causal relationship between colon cancer and long asbestos exposure warranted partial total disability award. *Rosamilia v. Essex*, 93 N.J.A.R.2d (WCC) 42.

Significant injuries to face, neck and back in employee parking lot warranted permanent disability award. *Zablocki v. Maas*, 93 N.J.A.R.2d (WCC) 38.

Expenses of psychiatric treatment following suicide attempt resulting from workplace injury were compensable. *Ellison v. Concurrent Computers*, 93 N.J.A.R.2d (WCC) 34.

Temporary disability payments were appropriate for school psychologist injured when bookcase hit head. *Sweet v. Jackson Board of Education*, 93 N.J.A.R.2d (WCC) 27.

Permanent disfigurement and neurosensory changes warranted partial permanent disability award. *Goode v. Herculite*, 93 N.J.A.R.2d (WCC) 25.

Back injury sustained by security officer warranted permanent, though limited disability award. *Currey v. Ocean County*, 93 N.J.A.R.2d (WCC) 22.

Stroke which commenced while mechanic was exerting extraordinary physical activity warranted total disability award. *Manning v. Engineering*, 93 N.J.A.R.2d (WCC) 18.

Long-term occupational exposure to asbestos warranted a partial, total award for pulmonary disability. *Stelzie v. Salvesen*, 93 N.J.A.R.2d (WCC) 15.

Control test established that carpenter working on house was not independent contractor, but was employee of homeowner. *Henry v. Parks*, 93 N.J.A.R.2d (WCC) 12.

Permanent partial disability resulted from occupational exposure to asbestos. *Russomanno v. Otis Elevator*, 93 N.J.A.R.2d (WCC) 9.

Gunshot would to head at work resulted in total and permanent disability for which special adjustment benefits was due. *Lugo v. Franklin*, 93 N.J.A.R.2d (WCC) 2.

Worker suffered permanent partial disability as result of on-the-job accident. *Van Amburgh v. Rohil Estates*, 92 N.J.A.R.2d (WCC) 188.

Employer was not entitled to credit or offset for worker's pre-existing illness. *Woolsey v. New Jersey Bell Telephone Company*, 92 N.J.A.R.2d (WCC) 180.

Worker's widow was not entitled to dependency benefits. *Petit-Clair v. New Jersey Transit*. 92 N.J.A.R.2d (WCC) 176.

Worker was "employee" entitled to worker's compensation benefits. *Ojibe v. Thomas J. Reale, Inc.*, 92 N.J.A.R.2d (WCC) 173.

Worker was entitled to 25 percent permanent partial disability benefits for pulmonary injury. *Sutera v. City of Hoboken*, 92 N.J.A.R.2d (WCC) 170.

Employer failed to prove that termination of worker's benefits was warranted. *Kincade v. City of Wildwood*, 92 N.J.A.R.2d (WCC) 161.

Worker's unemployment was not compensable. *Cairns v. City of East Orange*, 92 N.J.A.R.2d (WCC) 155.

Worker's injury was causally related to employment. *Paduch v. Stony Brook Construction*, 92 N.J.A.R.2d (WCC) 152.

Mechanic was entitled to permanent partial disability benefits. *Landon v. Town & Country Motors*, 92 N.J.A.R.2d (WCC) 150.

Worker was entitled to slight increase in pulmonary disability benefits. *White v. Johns-Manville Sales Corporation*, 92 N.J.A.R.2d (WCC) 147.

Worker's settlement of his claim extinguished subsequent dependency claim. *Szikszai v. Simmons Precision*, 92 N.J.A.R.2d (WCC) 145.

Collision resulted in worker's permanent partial disability. *Reynolds v. Strober New Jersey Building Supply, Inc.*, 92 N.J.A.R.2d (WCC) 144.

Worker failed to prove that his injury occurred on the job. *McDuffie v. New Jersey Bell Telephone Company*, 92 N.J.A.R.2d (WCC) 142.

Worker was entitled to modification of previously settled claim. *Rolstad v. Tri-County Asphalt*, 92 N.J.A.R.2d (WCC) 138.

Independent contractor was not entitled to workers' compensation benefits. *Bozzolasco v. J.T. Ski Construction Co.*, 92 N.J.A.R.2d (WCC) 136.

Accidental fall rendered worker permanently and totally disabled. *Rivera v. Frank's Tree Service, Inc.*, 92 N.J.A.R.2d (WCC) 134.

Worker was entitled to increased benefits for psychiatric disability. *Woods v. CPC International, Inc./Best Foods*, 92 N.J.A.R.2d (WCC) 132.

Worker was entitled to modification of prior compensation award. *Cook v. Dollar Rent-A-Car*, 92 N.J.A.R.2d (WCC) 129.

Worker's deception did not disqualify him from receiving benefits. *Gomes v. Jose Natoli Construction Co.*, 92 N.J.A.R.2d (WCC) 127.

Worker was entitled to 17 ½ percent temporary partial disability benefits. *Yar v. Springfield Heating and Air Conditioning, Inc.*, 92 N.J.A.R.2d (WCC) 125.

Worker's disabilities were unrelated to occupational exposure. *Shannon v. State of New Jersey*, 92 N.J.A.R.2d (WCC) 120.

Worker suffered disability in trip and fall accident. *Wydner v. Caldor's*, 92 N.J.A.R.2d (WCC) 116.

Worker was entitled to have disabilities from single accident "stacked". *Kim v. Wolf*, 92 N.J.A.R.2d (WCC) 112.

Worker suffered disability due to knee injury. *Markle v. Newark Board of Education*, 92 N.J.A.R.2d (WCC) 110.

Worker's carpal tunnel syndrome was work related. *Mackenzie v. New Jersey Bell Telephone Co.*, 92 N.J.A.R.2d (WCC) 107.

Worker's preexisting condition was aggravated by workplace accident. *Gronikowski v. K-Mart Corporation*, 92 N.J.A.R.2d (WCC) 102.

Asbestos exposure caused worker's cancer. *Zematis v. Exxon Company*, 92 N.J.A.R.2d (WCC) 98.

Chemical worker's liver damage was work-related. *Dean v. Powell-Duffryn*, 92 N.J.A.R.2d (WCC) 97.

Chimney worker's permanent total disability was job-related. *Lackey v. Custodis-Ecodyne, Inc.*, 92 N.J.A.R.2d (WCC) 92.

Worker injured in a fall suffered permanent partial disability. *Smith v. Borough of Stone Harbor*, 92 N.J.A.R.2d (WCC) 87.

Workers' disability was caused by three separate accidents. *Genovese v. McGraw-Hill, Inc.*, 92 N.J.A.R.2d (WCC) 83.

On-the-job exposure to chemical fumes caused workers' disability. *Ostendorf v. Acme Markets, Inc.*, 92 N.J.A.R.2d (WCC) 81.

Bus driver was entitled to 30 percent permanent partial disability benefits. *Nordaby v. Cape May County Holiday Tours*, 92 N.J.A.R.2d (WCC) 76.

Worker failed to timely notify her employer of on-the-job accident. *Michelotti v. CVI Services Group*, 92 N.J.A.R.2d (WCC) 73.

Insurer would be assessed penalties for negligent denial of disability claim. *Gianotti v. Teledyne Farris Engineering*, 92 N.J.A.R.2d (WCC) 70.

Construction worker suffered permanent partial disability as result of accident. *Beam v. Gianetti Excavating Co., Inc.*, 92 N.J.A.R.2d (WCC) 67.

Worker suffered permanent total disability due to repetitive injuries. *Peterson v. Hermann Forwarding Co.* 92 N.J.A.R.2d (WCC) 60.

Evidence offered by worker was insufficient to prove permanent partial disability. *Crean v. Somerville Lumber Co.* 92 N.J.A.R.2d (WCC) 57.

Worker's job-related chemical exposure was cause of fatal lung cancer. *Lee v. Engelhard Industries*. 92 N.J.A.R.2d (WCC) 56.

Worker failed to prove that he suffered from work-related asbestosis. *Gile v. Jersey Central Power & Light Co.* 92 N.J.A.R.2d (WCC) 53.

Worker's chronic illness was job related. *Daye v. Ciba Geigy*. 92 N.J.A.R.2d (WCC) 46.

Worker's lower back injury was permanently and totally disabling. *Martinez v. Esselte Pendaflex*. 92 N.J.A.R.2d (WCC) 42.

Worker failed to prove entitlement partial permanent disability benefits. *Blackwell v. N.J. Transit Bus Operations, Inc.* 92 N.J.A.R.2d (WCC) 41.

Worker suffered no pulmonary function disability. *Weston v. Excelled Sheepskin & Leather Coat Corporation*, 92 N.J.A.R.2d (WCC) 39.

Motor vehicle collision occurred in the course of "special mission". *Martin v. Jersey Central Power & Light Company*, 92 N.J.A.R.2d (WCC) 34.

Worker's employment aggravated underlying circulatory deficiency. *Felix v. Elegant Lingerie*, 92 N.J.A.R.2d (WCC) 32.

Workplace exposure to chemicals was material cause of worker's death. *Corio v. American Cyanamid Company*, 92 N.J.A.R.2d (WCC) 29.

Worker would be awarded permanent partial disability benefits. *Magill v. C & K Construction Company*, 92 N.J.A.R.2d (WCC) 25.

Worker would be awarded partial total disability benefits. *Hobbs v. General Motors Corporation*, 92 N.J.A.R.2d (WCC) 20.

Claimant failed to prove her entitlement to dependency benefits. *Toms v. Dee Rose Furniture, Inc.*, 92 N.J.A.R.2d (WCC) 18.

Worker suffered no permanent disability as result of asbestos exposure. *Boszczuk v. Johns-Manville*. 92 N.J.A.R.2d (WCC) 17.

Worker's widow met burden of proving entitlement to benefits. *Slack v. Johns-Manville Products Corporation*. 92 N.J.A.R.2d (WCC) 13.

Worker suffered total disability as result of work place accident. *Johnson v. Blue Crest Farms*. 92 N.J.A.R.2d (WCC) 9.

Permanent injury to worker's leg would be offset by credit for prior condition. *Flancer v. Dell Chrysler*. 92 N.J.A.R.2d (WCC) 7.

Worker's compensable permanent disability had significantly worsened. *Wilson v. South Jersey Port Corporation*. 92 N.J.A.R.2d (WCC) 3.

Worker's psychiatric disability was not caused by work place accident. *Ramon Rivera v. Egg Harbor Boat Company*. 92 N.J.A.R.2d (WCC) 2.

Worker's gunshot wound did not "arise out of" his employment. *Riley v. Potter-Hillman Ford*. 92 N.J.A.R.2d (WCC) 1.

SUBCHAPTER 6. INFORMAL HEARINGS

12:235-6.1 Purpose of informal hearings

(a) The informal hearing process is a service provided by the Division to effectuate the amicable adjustment of controversies between injured workers and their employers involving their respective rights under the Act.

(b) The informal hearing procedure is not expressly contained within the provisions of the Act.

(c) The filing of an application for an informal hearing will not toll the time limitation periods for the filing of a formal claim petition or a dependency claim petition as provided by the Act.

Amended by R.1991 d.466, effective September 3, 1991.

See: 23 N.J.R. 1759(a), 23 N.J.R. 2642(a).

Stylistic changes.