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DISABILITY PAYMENTS - LOUISIANA

Paul v. Jefferson Parish Public School System

Court of Appeal of Louisiana, Fifth Circuit - July 3, 2013 - So.3d - 13-132 (La.App. 5 Cir. 7/3/13)

Claimant, Ms. Paul, was employed by the Jefferson Parish School Board as a custodial worker. On March 6, 2009, she injured her neck and left shoulder during the course and scope of her employment. She reported this injury to the School Board and began receiving temporary total disability benefits.

Ms. Paul was paid temporary total disability benefits covering the period from her injury in March of 2009 until July 2, 2009. She prevailed in a disputed claim for compensation filed on December 1, 2010, alleging that her benefits had been wrongfully terminated. A February 13, 2012 Consent Judgment awarded Ms. Paul supplemental earnings benefits from the date of her injury until January 31, 2012, at which time supplemental earnings benefits payments were continued until Ms. Paul was "placed in a job that has been approved by her treating physician."

The only issue Ms. Paul presented for review was whether under La. R.S. 23:1209, the School Board's payment of supplemental earnings benefits to her interrupted prescription as to her claim for temporary total disability benefits.

The Court of Appeal found that Ms. Paul continuously received indemnity benefits (first temporary total disability benefits, followed by supplemental earnings benefits) for the injury that the School Board deemed compensable from the date of her initial injury on March 6, 2009 until April 12, 2012, when she underwent surgery for a condition related to the initial injury. She was unable to work after the surgery. Because of her total disability status following the surgery, the School Board terminated her supplemental earnings benefits. On July 11, 2012, within one year of termination of her supplemental earnings benefits, Ms. Paul filed a disputed claim for compensation, seeking temporary total disability benefits.

Applying the rules of statutory interpretation to the particular facts of this case, the court found that the workers' compensation court judge erred in finding that Ms. Paul's claim for temporary total disability benefits had prescribed. It also found that it would go against the legislatively-declared policy and intent of the Louisiana Workers' Compensation Laws, including La. R.S. 23:1209(A)(1) and (2), to find that Ms. Paul's claim for temporary total disability benefits had prescribed when she became temporarily totally disabled as a result of surgery for a condition related to her initial injury that the employer deemed compensable, in light of the fact that she had been receiving indemnity benefits (first temporary total disability benefits, followed by supplemental earnings benefits) continuously from the date of her initial injury until the date of the surgery.