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EMPLOYMENT - MARYLAND

Baltimore County v. Thiergartner

Court of Special Appeals of Maryland - March 26, 2014 - A.3d - 2014 WL 1245031

County sought judicial review of decision of Workers' Compensation Commission awarding permanent partial disability benefits to claimant, who was retired county firefighter and who had coronary artery disease. The Circuit Court denied county's motion for summary judgment and granted claimant's cross-motion for summary judgment. County appealed.

As matters of first impression, the Court of Special Appeals held that:

- Statute providing that workers' compensation benefits received by retired firefighter regarding occupational disease will be adjusted so that total of those benefits and retirement benefits does not exceed weekly salary during active employment only applies to weekly retirement and workers' compensation benefits that are due concurrently, and
- Lump-sum payment that claimant received from county's deferred retirement option program could not be used to offset workers' compensation benefits.

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