

Bond Case Briefs

Municipal Finance Law Since 1971

BENEFITS - PENNSYLVANIA

Stermel v. W.C.A.B.

Commonwealth Court of Pennsylvania - November 13, 2014 - A.3d - 2014 WL 5849344

Police officer petitioned for review of an adjudication of the Workers' Compensation Appeal Board finding that city employer was entitled to recover a portion of the Heart and Lung benefits it paid officer from officer's third party tort claim settlement.

The Commonwealth Court held that:

- Employer did not waive issue of whether it was entitled to subrogation because Heart and Lung benefits constituted payments under Workers' Compensation Act; and
- Employer was not entitled to subrogation.

Motor Vehicle Financial Responsibility Law precluded officer from recovering the amount of benefits paid under the Heart and Lung Act from the responsible tortfeasor, and therefore, there could be no subrogation out of a tort recovery that did not include those benefits.