

Bond Case Briefs

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BENEFITS - VIRGINIA

City of Danville v. Tate

Supreme Court of Virginia - January 8, 2015 - S.E.2d - 2015 WL 114064

City brought action against retired firefighter, seeking recovery of firefighter's sick leave pay. The Circuit Court, City of Danville, dismissed, and city appealed.

The Supreme Court of Virginia held that:

- Workers' Compensation Commission had no jurisdiction to decide dispute between city and retired fireman over city's claim for recovery of its sick leave payments, and
- City had no authority under city ordinance or regulation to recover sick leave pay from retired firefighter on the basis that he had also received workers' compensation for the same disability period.

Workers' Compensation Commission had no jurisdiction to decide dispute between city and retired fireman over city's claim for recovery of its sick leave payments to firefighter, where city never requested a credit against a workers' compensation award for amounts paid firefighter during the same period for sick leave under statutory provision that allowed an employer to request credit subject to the approval of the Commission.

City had no authority under city ordinance or regulation to recover sick leave pay from retired firefighter on the basis that he had also received workers' compensation for the same disability period, as the recovery authorized by the provisions relied on by city pertained to a distinct type of claim by the city against an employee's workers' compensation payment, and not his sick leave payments.