

SUPREME COURT OF KENTUCKY

Patrick v. Christopher East Health Care

142 S.W.3d 149 (Ky. 2004) · No. 2003-SC-0678-WC · Decided August 27, 2004

SUMMARY

The Supreme Court of Kentucky held that a workers' compensation claim was barred by the two-year limitations period in KRS 342.185. The employer's delayed notice to the Department of Workers' Claims concerning its refusal to pay voluntary temporary total disability benefits did not toll the limitations period, particularly because the claimant received timely notice of the denial and filing deadline and still filed after the deadline.

CASE DETAILS

COURT	Supreme Court of Kentucky
JURISDICTION	Kentucky
DECIDED	August 27, 2004
DOCKET	2003-SC-0678-WC
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Kentucky Court of Appeals' affirmance of a Workers' Compensation Board decision affirming an administrative law judge's dismissal of a workers' compensation claim as barred by the statute of limitations.
STANDARD OF REVIEW	The court reviewed the legal interpretation of the workers' compensation statutes and regulation de novo and reviewed the administrative decision for error; application of equitable estoppel depended on the facts and circumstances.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; precedential authority.
PARTIES	Angie Patrick v. Christopher East Health Care, Hon. Roger D. Riggs, Administrative Law Judge, Workers' Compensation Board

TOPICS

- workers compensation
- statutory interpretation
- administrative law
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 803 KAR 25:170, Section 2(2)(a), tolled the limitations period because the employer did not notify the Department of Workers' Claims within one week of refusing to pay voluntary temporary total disability benefits.
2. Whether the employer's delay in reporting its refusal to pay voluntary temporary total disability benefits equitably estopped it from asserting the two-year limitations defense.
3. Whether Patrick's claim was barred under KRS 342.185 when she filed more than two years after the accident and had received no voluntary income-benefit payments.

HOLDINGS

1. The regulation does not apply when no voluntary benefits were paid and does not require an employer to notify the Department within one week of refusing to pay voluntary temporary total disability benefits.
2. The limitations period runs from the date of the accident or the employer's last voluntary payment of income benefits, whichever is later; it does not run from the date the employer refuses to pay voluntary benefits.
3. Equitable estoppel was not warranted because Patrick received timely notice from the Department of the applicable limitations period and the employer's delay did not deprive her of notice while a reasonable filing period remained.

KEY QUOTATIONS

"The fact remains, however, that KRS 342.185 runs the period of limitations for an injury for two years from the date of accident or from the employer's last voluntary payment of income benefits, not from the date that the employer refuses to pay voluntary benefits." (153)

"It is equally apparent that the regulation does not pertain to situations where no voluntary benefits are paid and does not require an employer to notify the Department within one week of its refusal to pay voluntary TTD benefits." (152)

FACTUAL BACKGROUND

Patrick injured her back at work on September 12, 1999, immediately notified her supervisor, worked one additional day, and did not work thereafter. Her employer did not pay voluntary temporary total disability benefits, filed an initial injury report on October 26, 1999, and reported its denial of the claim on November 19, 1999. Patrick received the Department of Workers' Claims' notice in November 1999 advising that a claim had to be filed within two years of the injury, but she did not file until September 28, 2001.

PROCEDURAL HISTORY

Patrick was injured on September 12, 1999, and filed an application for workers' compensation benefits on September 28, 2001. The administrative law judge dismissed the claim as untimely under KRS 342.185, the

Workers' Compensation Board affirmed, and the Kentucky Court of Appeals affirmed. The Supreme Court of Kentucky affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- City of Frankfort v. Rogers, 765 S.W.2d 579 (Ky. App. 1988)
- Lizdo v. Gentec Equipment, 74 S.W.3d 703 (Ky. 2002)
- J & V. Coal Co. v. Hall, 62 S.W.3d 392 (Ky. 2001)
- Newberg v. Hudson, 838 S.W.2d 384, 389 (Ky. 1992)
- H.E. Neumann Co. v. Lee, 975 S.W.2d 917 (Ky. 1998)