

COURT OF APPEALS OF MARYLAND

Electrical General Corp. v. LaBonte, 454 Md. 113

164 A.3d 157 (2017) · No. No. 69, September Term, 2016 · Decided July 10, 2017

SUMMARY

The Maryland Court of Appeals held that a subsequent intervening event does not automatically bar an employer's liability for additional workers' compensation benefits when an employee's medical condition worsens. Where permanent partial disability has been apportioned between a work-related injury or occupational disease and other conditions, the Workers' Compensation Commission may award additional benefits for worsening attributable solely to the work-related injury or disease. Causation and apportionment are factual matters for the Commission to determine.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Watts, J.; Barbera, C.J.; Greene, J.; Adkins, J.; McDonald, J.; Hotten, J.; Getty, J.
JURISDICTION	Maryland
DECIDED	July 10, 2017
DOCKET	No. 69, September Term, 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Employer and workers' compensation insurer sought review of a judgment affirming a jury verdict that the employee's work-related accidental personal injury caused worsening of his permanent partial disability and supported additional workers' compensation benefits.
STANDARD OF REVIEW	In reviewing an administrative agency decision, the court reviews the agency's decision rather than the decisions of the circuit court or Court of Special Appeals. The Commission's decision is presumed prima facie correct, but legal questions are reviewed independently. The court gives some deference to the Commission's interpretation of the Workers' Compensation Act unless based on an erroneous conclusion of law.
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Appeals of Maryland
PARTIES	Electrical General Corporation, Selective Insurance Company of America v. Michael L. LaBonte

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QUESTIONS PRESENTED

1. Whether a prior finding that an employee sustained a subsequent intervening event bars further employer liability for workers' compensation benefits attributable to a prior accidental personal injury.
2. Whether, after a workers' compensation claim involving permanent partial disability has been apportioned between a work injury and a subsequent intervening event, the Commission may award additional permanent partial disability benefits when the employee's condition worsens and the worsening is attributable solely to the work injury.
3. Whether the existence of a subsequent intervening event categorically precludes liability for additional medical treatment and medical expenses related to a worsening of the employee's condition.

HOLDINGS

1. When the Commission has awarded permanent partial disability benefits based on an accidental personal injury or occupational disease and has also found a subsequent intervening event, the employee may receive additional permanent partial disability benefits for any subsequent worsening caused by and reasonably attributable solely to the accidental personal injury or occupational disease.
2. The final-accident rule applies to temporary disability benefits, but it does not govern liability for permanent partial disability benefits, which may be apportioned among multiple causal injuries or conditions.
3. A subsequent intervening event does not, per se, preclude employer liability for additional medical treatment or medical expenses; the relevant factual question is whether the worsening condition was caused by the accidental personal injury or occupational disease and therefore necessitated the treatment or expenses.

KEY QUOTATIONS

“where the Commission has awarded permanent partial disability benefits based on an accidental personal injury or occupational disease and has also determined that the employee incurred a subsequent intervening event—e.g., an injury sustained outside the course of employment—upon a request to reopen alleging worsening of the employee’s medical condition, the employee is entitled to compensation for permanent partial disability for any portion of such disability that is caused by and reasonably attributable solely to the employee’s accidental personal injury or occupational disease.” (-4-)

“The exclusive focus on the injury that occurred last, however, has no application in a determination of liability for a permanent disability, as to which LE § 9-656 provides for apportionment of liability among multiple injuries.” (-24-)

“Where an employee seeks reopening of a workers’ compensation claim based on the worsening of a medical condition, the employer may be liable for permanent partial disability benefits for the portion of any subsequent worsening of the employee’s medical condition that is caused by and reasonably attributable solely to the accidental personal injury or occupational disease.” (-32-)

FACTUAL BACKGROUND

Michael LaBonte injured his back at work on September 2, 2004, when he caught and pushed back a falling ladder weighing more than 300 pounds. He underwent back surgery, received temporary disability benefits, and was later awarded permanent partial disability benefits, with the Commission attributing part of the disability to the work injury and part to preexisting and subsequent conditions. During a traffic stop outside the workplace on December 31, 2006, a law enforcement officer pushed LaBonte onto a vehicle, allegedly aggravating his back pain. Years later, LaBonte petitioned to reopen his claim, and medical testimony supported his contention that the worsening of his condition was attributable to the original work injury rather than the traffic-stop incident.

PROCEDURAL HISTORY

The Workers' Compensation Commission initially awarded temporary benefits and later awarded permanent partial disability benefits, apportioning the disability between the work injury and preexisting and subsequent conditions. After the employee petitioned to reopen based on worsening of his back condition, the Commission denied additional benefits, concluding that a subsequent intervening event had broken the causal nexus. The Circuit Court for Anne Arundel County submitted causation and apportionment issues to a jury, which found the worsening attributable to the work injury; the circuit court reversed the Commission and remanded. The Court of Special Appeals affirmed, and the Court of Appeals affirmed the judgment of the Court of Special Appeals.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The circuit court's judgment reversing the Commission's order and remanding for an order consistent with the jury's verdict was affirmed.

CASES CITED

- Hollingsworth v. Severstal Sparrows Point, LLC, 448 Md. 648, 141 A.3d 90 (2016)
- Wal-Mart Stores, Inc. v. Holmes, 416 Md. 346, 7 A.3d 13 (2010)
- Buskirk v. C.J. Langenfelder & Son, Inc., 136 Md. App. 261, 764 A.2d 857 (2001)
- Electrical General Corp. v. LaBonte, 229 Md. App. 187, 144 A.3d 856 (2016)
- Menefee v. State, 417 Md. 740, 12 A.3d 153 (2011)
- Reeves Motor Co. v. Reeves, 204 Md. 576, 105 A.2d 236 (1954)
- Martin v. Allegany Cty. Bd. of Cty. Comm'rs, 73 Md. App. 695, 536 A.2d 132 (1988)
- J & M Constr. Co. v. Braun, 44 Md. App. 602, 410 A.2d 607 (1980)

- Department of Public Safety & Correctional Services v. Doe, 439 Md. 201, 94 A.3d 791 (2014)
- Scott v. State, 379 Md. 170, 840 A.2d 715 (2004)
- Gertz v. Anne Arundel County, 339 Md. 261, 661 A.2d 1157 (1995)
- Criminal Injuries Compensation Board v. Gould, 273 Md. 486, 331 A.2d 55 (1975)
- National Union Fire Insurance Co. of Pittsburgh, PA v. The Fund for Animals, Inc., 451 Md. 431, 153 A.3d 123 (2017)
- HNS Development, LLC v. People's Counsel for Baltimore County, 425 Md. 436, 42 A.3d 12 (2012)

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