

COMMONWEALTH COURT OF PENNSYLVANIA

James F. Buckley v. Suburban Propane Partners, LP (Workers’ Compensation Appeal Board)

Buckley · No. 1456 C.D. 2022 · Decided November 1, 2023

SUMMARY

The Commonwealth Court of Pennsylvania reviewed a Workers’ Compensation Appeal Board order affirming termination of James F. Buckley’s benefits. The court held that substantial evidence supported the finding that Buckley had fully recovered from his work injury and that any return-to-work restrictions were unrelated to that injury. The court distinguished cases involving deconditioning caused by work-injury treatment and affirmed the Board’s order.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Ellen Ceisler; Michael H. Wojcik; Bonnie Brigance Leadbetter
JURISDICTION	Pennsylvania
DECIDED	November 1, 2023
DOCKET	1456 C.D. 2022
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant petitioned for review of the Workers’ Compensation Appeal Board’s order affirming a workers’ compensation judge’s grant of the employer’s termination petition.
STANDARD OF REVIEW	The Court reviews whether the workers’ compensation judge’s findings are supported by substantial evidence, whether an error of law was committed, or whether constitutional rights were violated. The Court does not reweigh evidence or reassess witness credibility and views the evidence in the light most favorable to the prevailing party. Credibility determinations are upheld unless made arbitrarily or capriciously.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	James F. Buckley v. Suburban Propane Partners, LP (Workers’ Compensation Appeal Board)

TOPICS

workers compensation

standard of review

appellate procedure

administrative law

PRACTICE AREAS

workers compensation

employment law

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether substantial evidence supported the finding that Claimant had fully recovered from the accepted work injury.
2. Whether an employer may obtain termination of workers' compensation benefits when a medical expert recommends an initial light-duty return because the claimant has been out of work for an extended period, but expressly states that the work restrictions are unrelated to the work injury.
3. Whether the workers' compensation judge improperly resolved conflicting medical and lay testimony in favor of Employer.

HOLDINGS

1. An employer satisfies its burden on a termination petition by substantial evidence showing either that all physical disability has ceased or that any remaining disability arises from an independent cause totally separate and distinct from the work injury.
2. Restrictions imposed solely because a claimant has been out of work for an extended period do not preclude termination of benefits when the restrictions are not causally related to the accepted work injury.
3. The Commonwealth Court will not reweigh evidence or overturn a workers' compensation judge's credibility determinations when the findings are supported by substantial evidence and are not arbitrary or capricious.

KEY QUOTATIONS

"To succeed in a termination petition, an employer bears the burden of proving by substantial evidence that a claimant's disability ceased or that any remaining conditions are unrelated to the work injury." (13)

"Restrictions placed on a claimant that "are not causally related to the work injury do not preclude the grant of an employer's termination petition."" (14)

"In essence, neither the January 29, 2019 work injury nor Claimant's preexisting degenerative arthritis necessitated work restrictions." (18)

FACTUAL BACKGROUND

James F. Buckley suffered a lower-back and neck injury on January 29, 2019, after slipping on ice while delivering fuel for Suburban Propane. Employer accepted the injury and paid wage-loss benefits after Claimant was taken off work. Employer later presented an independent medical examination, surveillance video, and

social-media photographs showing Claimant engaging in activities such as fishing and renovating a house, while Claimant presented testimony and medical evidence that he remained disabled. The workers' compensation judge credited Employer's medical expert, found that Claimant had returned to his pre-injury baseline, and determined that any initial light-duty recommendation was attributable to deconditioning from being out of work rather than to the work injury.

PROCEDURAL HISTORY

Claimant sustained a lower-back and neck injury after slipping on ice while delivering fuel. After prior termination petitions were denied and the accepted injury was expanded, Employer filed another termination petition based on an independent medical examination. The workers' compensation judge credited Employer's medical evidence, found that Claimant had fully recovered, and terminated benefits effective June 29, 2021. The Board affirmed, and the Commonwealth Court affirmed the Board.

DISPOSITION

affirmed

CASES CITED

- Prebish v. Workers' Comp. Appeal Bd. (DPW/Western Church), 954 A.2d 677, 681 n.1 (Pa. Cmwlth. 2008)
- Westmoreland County v. Workers' Comp. Appeal Bd. (Fuller), 942 A.2d 213, 217 (Pa. Cmwlth. 2008)
- Saville v. Workers' Comp. Appeal Bd. (Pathmark Stores, Inc.), 756 A.2d 1214, 1219 (Pa. Cmwlth. 2000)
- A & J Builders, Inc. v. Workers' Comp. Appeal Bd. (Verdi), 78 A.3d 1233, 1238-39 (Pa. Cmwlth. 2013)
- Sell v. Workers' Comp. Appeal Bd. (LNP Eng'g), 771 A.2d 1246, 1251 (Pa. Cmwlth. 2001)
- Dorsey v. Workers' Comp. Appeal Bd. (Crossing Constr. Co.), 893 A.2d 191, 195 (Pa. Cmwlth. 2006)
- Parker v. Workers' Compensation Appeal Board (Dock Terrace Nursing Home), 729 A.2d 102 (Pa. Cmwlth. 1999)
- Thompson v. Workers' Compensation Appeal Board (Sacred Heart Medical Center), 720 A.2d 1074, 1077 (Pa. Cmwlth. 1998)
- Davis v. Workers' Compensation Appeal Board (Mercy Douglas), 749 A.2d 1033 (Pa. Cmwlth. 2000)