

# MARGOLIS EDELSTEIN

## WORKERS' COMPENSATION NEWS ALERT

**SEPTEMBER 7, 2011**

PHILADELPHIA OFFICE  
The Curtis Center  
170 S. Independence Mall W.  
Suite 400E  
Philadelphia, PA 19106  
215-922-1100

HARRISBURG OFFICE  
3510 Trindle Road  
Camp Hill, PA 17011  
717-975-8114

PITTSBURGH OFFICE  
525 William Penn Place  
Suite 3300  
Pittsburgh, PA 15219  
412-281-4256

SCRANTON OFFICE  
220 Penn Avenue  
Suite 305  
Scranton, PA 18503  
570-342-4231

CENTRAL PA OFFICE  
P.O. Box 628  
Hollidaysburg, PA 16648  
814-224-2119

**MARGOLIS EDELSTEIN**  
**Fred C. Trenor, Esquire**  
**Chairman Workers'**  
**Compensation Department**  
**525 William Penn Place**  
**Suite 3300**  
**Pittsburgh, PA 15219**  
**412-281-4256**  
**FAX 412-642-2380**  
[ftrenor@margolisedelstein.com](mailto:ftrenor@margolisedelstein.com)

WESTERN PA OFFICE  
983 Third Street  
Beaver, PA 15009  
724-774-6000

MT. LAUREL OFFICE  
100 Century Parkway  
Suite 200  
Mount Laurel, NJ 08054  
856-727-6000

BERKELEY HEIGHTS OFFICE  
300 Connell Drive  
Suite 6200  
Berkeley Heights, NJ 07922  
908-790-1401

WILMINGTON OFFICE  
750 Shipyard Drive  
Suite 102  
Wilmington, DE 19801  
302-888-1112

**PHILADELPHIA, PA**

Joseph S. Bekelja, Esq.  
215-931-5807  
[jbekelja@margolisedelstein.com](mailto:jbekelja@margolisedelstein.com)

Deborah Beck, Esq.  
215-931-5815  
[dbeck@margolisedelstein.com](mailto:dbeck@margolisedelstein.com)

Marshall Haislup, III, Esq.  
215-931-5810  
[mhaislup@margolisedelstein.com](mailto:mhaislup@margolisedelstein.com)

Michael D. Eiss, Esq.  
215-931-5824  
[meiss@margolisedelstein.com](mailto:meiss@margolisedelstein.com)

**HARRISBURG, PA**

Barry Kronthal, Esq.  
717-760-7503  
[bkronthal@margolisedelstein.com](mailto:bkronthal@margolisedelstein.com)

**PITTSBURGH, PA**

Fred Trenor, Esq.  
412-355-4935  
[ftrenor@margolisedelstein.com](mailto:ftrenor@margolisedelstein.com)

James S. Ehrman, Esq.  
412-355-4980  
[jehrman@margolisedelstein.com](mailto:jehrman@margolisedelstein.com)

**SCRANTON, PA**

Michael T. Savitsky, Esq.  
570-342-4231  
[msavitsky@margolisedelstein.com](mailto:msavitsky@margolisedelstein.com)

**HOLLIDAYSBURG, PA**

Stephen L. Dugas, Esq.  
814-695-6064  
[sdugas@margolisedelstein.com](mailto:sdugas@margolisedelstein.com)

**MT. LAUREL, NJ**

Michael S. Affanato, Esq.  
856-727-6016  
[maffanato@margolisedelstein.com](mailto:maffanato@margolisedelstein.com)

**WILMINGTON, DE**

Scott Silar, Esq.  
302-888-1112  
[ssilar@margolisedelstein.com](mailto:ssilar@margolisedelstein.com)

**PENNSYLVANIA WORKERS'  
COMPENSATION NEWS ALERT**

**FRED C. TRENOR  
EDITOR**

FATAL CLAIM

**Werner v. Workers' Compensation Appeal Board (Greenleaf Service Corp)  
No 25CD 2011. Decided 9/1/11.**

The Commonwealth Court affirms the Workers' Compensation Appeal Board and WCJ who dismissed the Claim Petition on the basis of the lack of evidence that the decedent was killed during the course of employment.

The Court said "The evidence of record demonstrates only that Decedent was injured sometime between 11:30 a.m. and 2:00 p.m.; that Decedent's eyeglasses and traces of Decedent's blood were found near the front entry of the house; that Decedent's cell phone and traces of Decedent's blood were found in the first-floor bathroom; and that Claimant discovered Decedent to be unresponsive, sitting at his desk in his home-office, at approximately 2:00 p.m. The record is unclear as to how Decedent was injured, where Decedent was injured, and at what specific time Decedent was injured. Perhaps more importantly, even if the cause, location and time of Decedent's injury were established, there is nothing in the record demonstrating what Decedent was doing when he was injured. Claimant's proffered explanation that Decedent slipped and hit his head while outside smoking a cigarette -i.e., attending to his personal comfort - or retrieving business mail is speculative at best."

Enjoy the summer!

Fred Trenor

## ABOUT OUR FIRM

Margolis Edelstein is a full service defense firm. Our firm has been committed to the defense of civil litigation since our inception, almost fifty years ago. We have received the *Martindale Hubbell* legal ability rating of *AV*, signifying *very high to preeminent*, the highest rating available.

We handle a wide range of defense litigation throughout Delaware, New Jersey, Pennsylvania and northern West Virginia including Workers' Compensation matters on behalf of many insurers and self-insureds with a variety of exposures. Please examine the *testimonials* section of our website should you care to view comments from several clients and obtain an overview of our practice.

We have several publications available concerning workers' compensation. They include (1) *Eliminating the "Monkey in the Middle" - One Worthy Goal of the Pennsylvania Workers' Compensation Act's Medical Cost Containment Provisions* authored by Stewart Karn; (2) *West Virginia Workers' Compensation Basics What a Successful Claims Adjuster Needs to Know Before Handling the First Claim Top Ten List* authored by James W. Harvey; and (3) *The Ten Top Secrets of Successful Workers' Compensation Adjusters in Pennsylvania* authored by Fred C. Trenor. If you would like a copies of these publications, please let us know. We can send them to you by e-mail.