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Top court clarifies disability benefits

Many on-job mishaps qualify, judges suggest

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The New Jersey Supreme Court yesterday defined which kinds of on-the-job accidents are serious enough to qualify for disability benefits, saying it wanted to end more than 45 years of confusion caused by state judges.

The justices allowed workers to receive permanent disability benefits for injuries caused by on-the-job accidents, except in the cases where the disability stems from a pre-existing condition, such as heart disease.

"It's important," said Arthur Kravitz, a Lawrenceville workers' compensation attorney. The benefit "is meant to compensate people who have very real accidents."

In a 5-0 ruling, made in the case of a corrections officer injured by an inmate, the Supreme Court said decisions made by a series of courts, including itself, had created a "body of law with no rational core."

A traumatic event on the job -- the kind that qualifies a state worker for the more-generous benefits than those in traditional disability cases -- is "essentially the same as what we historically understood an accident to be," wrote Justice Virginia Long.

The court said the on-the-job accident must occur during regular work duties and leave a person totally disabled in order to qualify for permanent benefits.

"A policeman can be shot while pursuing a suspect; a librarian can be hit by a falling bookshelf while re-shelving books; a social worker can catch her hand in the car door while transporting a child to court," the decision said.

However, the court said an accident that aggravates a pre-existing condition does not apply.

The justices said the issue had been confused since a 1962 Supreme Court decision "fundamentally altered" the definition of an accident by allowing a heart attack victim to claim temporary workers' compensation benefits. A year later, a lower court applied that to disability benefits.

"It was no longer limited to unexpected mishaps like falls, banister collapses and car crashes," the justices said. "It now included heart attacks sustained by workers with long-standing heart disease who were simply doing their jobs at the time of their heart attacks."

The high court noted judges around the state have struggled over the definition of a traumatic event, and that a 1985 Supreme Court attempt to fix the problem failed.

Kravitz said the retirement system cited in the court case -- the New Jersey Police and Firemen's Retirement System -- "has never consistently applied any predictable or rational interpretation to the regulation" as a result of that ruling.

The Treasury Department was reviewing the latest decision, said spokesman Mark Perkiss.

"We're looking to see what the potential impacts are," he said.

WRESTLING WITH INMATE

The court set its new standard in the case of Stewart Richardson, 38, a former corrections officer at South

Woods State Prison in Cumberland County. On Jan. 7, 2003, Richardson responded to help another officer when an inmate resisted being handcuffed.

Officers wrestled the inmate to the ground, but as Richardson reached for the handcuffs the inmate jerked loose, knocking him down. The fall tore a ligament in Richardson's hand and wrist. Surgery did not repair the injury.

Later that year, Richardson filed for accidental disability retirement from the state Police and Firemen's Retirement System. The board found he had not suffered a "traumatic event" and qualified only for ordinary disability, which provides a lower percentage of the worker's pay than accidental disability does. The decision was affirmed by the Appellate Division.

The high court ruled yesterday that Richardson's injury fits the definition of an on-the-job accident and sent the case back for further proceedings.

Richardson, a Vineland resident and father of three who represented himself in court, said he was happy about the ruling.

"I'm doing fantastic now that the decision is out," he said. "It's been 3 1/2 years of hell for myself and my family. I had a good career going."

He added the ruling would help create a more consistent standard.

Long's opinion was joined by Justices Jaynee LaVecchia, Barry Albin, John Wallace and Roberto Rivera-Soto. James Zazzali, who had not yet retired as chief justice when the case was argued, and Justice Helen Hoens did not participate.

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