



# Settlement Authority

*Chairperson:*

Lisa Anastos, MA, Esq.

Risk Manager, Mobility Works  
Driverge

**Tuesday, March 26<sup>th</sup>, 2024**

**8:05-8:25am**



## SHOW ME THE MONEY

- ❖ Lisa Anastos MA, Esq.  
MobilityWorks Driverge
- ❖ Edward Moriarty, Jr. Esq.  
Moriarty & Associates, P.C.
- ❖ Phyllis Phillips, Esq.  
Mediation Works, LLC



# 2024

Work Related Injuries  
Workshop

## Who Decides?

- Defense Counsel
- Carrier
- Employer
- Third Party Administrator

# You OWE me

## Injured Worker Impact

- Excessive Demand
- Unreasonable Expectations
- Psycho-Social Factors
- Motivation

# You Need Me

## Plaintiff Counsel Impact

- Applies the statute
- Maximizing exposure
- Navigating for IW
- Manage the IW expectations
- Settlement pays bills

# Money Manager

## Employer Impact

- Retention; Deductible
- IW personnel hx, motivation
- Exposure; coverage
- Mitigate loss

# Best offense is defense

## Defense Counsel

- Analysis of statute
- Analysis of jurisdiction
- Managing employer expectations
- Mitigate loss

# Claim Factors

- ✓ Extent of Injury
- ✓ Comorbidities
- ✓ Transferable Skills
- ✓ Labor Market
- ✓ Age
- ✓ Ancillary Benefits
- ✓ Subrogation Options



# Scenario #1

## Mark Maintenance

- IW is 77 years old, performed property maintenance work at an inn,
- Briefly retired in early 2021, then returned to position.
- Aug 2021, fell off roof staging, injured L shoulder/neck. Injury accepted; TTD benefits paid.
- Conservative tx, released from care no issues;
- April 2022 retired again; TD benefits discontinued IW had “voluntarily removed himself from workforce.”
- Multiple non- work- related co-morbidities impacting ability to work at various times.
- No med tx until retained attorney and returned to Dr. in Aug 2022, stating that he did not want to retire, wanted to pursue additional tx.
- Surgical option total reverse shoulder arthroscopy, not recommended.
- has high school education, no computer skills, manual labor work hx.
- IW is claiming additional TD benefits (\$40-\$70,000, depending on surgery), PTD benefits (under VT law, minimum of \$230,000, which happens to be IW’s life expectancy), and ongoing medical benefits (\$20-\$40,000, depending on surgery or not).
- If not PT, claiming PP disability benefits ~ \$50,000.
- **Demand is \$495,000 + \$50,000 MSA.**
  - **Too high? Too low? Just right?**
  - **Settlement authority \$100,000 + MSA? \$200,000 + MSA? More? Less?**



# Scenario #2

## Lucio Linen

- IW is 45 years old non-English-language, alleges neck and low back injury from moving heavy bags of laundry at hospital.
- Claim denied as unwitnessed; medical records no reference to work accident.
- Conservative tx, subjective complaints of radiculopathy unverified by testing, non surgical.
- Unpaid medical bills total \$25,000.
- IW claims inability to RTW. Lots of “symptom creep” (shoulders, knees, psych) and over-treating.
- Adjuster has **undisclosed surveillance** showing IW assisting with daughter’s office cleaning business on two occasions – sweeping floor, vacuuming, removing trash bags of unknown weight.
- If IW prevails, he will get ~ \$100,000 in temporary disability benefits (4 years!) + ~ \$75,000 in permanent partial disability benefits + past/future bills for reasonable/necessary medical treatment.
- **Demand \$250,000**
  - **Too high? Too low? Just right?**
  - **Settlement authority \$10,000? \$50,000? More? Less?**

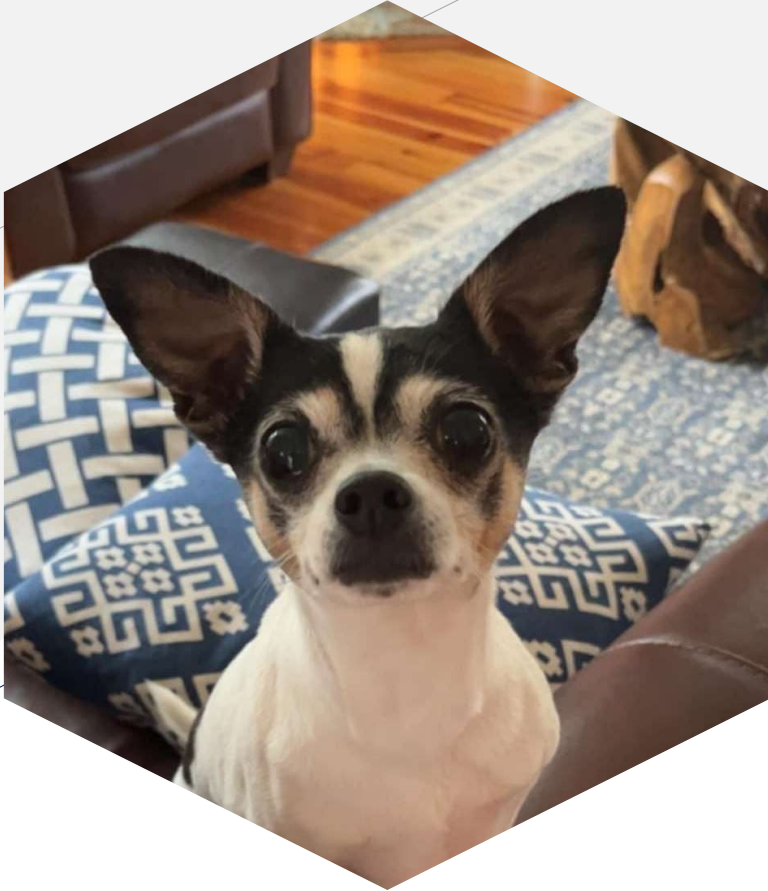


# Scenario #3



## Tanya Technician

- IW is 34 yo production tech in open warehouse, 6 years.
- Known hx of asthma, no accommodations requested upon hire.
- Symptom exacerbation from exposure to bat guano.
- Facility owner learned guests were in rafters and roof, but protected species especially during mating/birthing season.
- Claim questioned given hx of asthma and inherent environmental exposures in warehouse environment.
- Concurrent employment at an Agriculture Supply Warehouse.
- Testing performed to rule out histoplasmosis: blood test, Brain Scan.
- TTD 9 months IW sedentary work capacity but unable to work in warehouse; PPD unable to work in warehouse or no exposure to bat guano; TTD paid.
- Testing inconclusive dx remained histoplasmosis with no medical evidence other than asthmatic symptoms.
- Continued to work at Agriculture Supply Warehouse; never shared restrictions.
- Skilled welder, associate degree engineering, ESL; \$1120 AWW.
- **Demand is \$475,000**
  - **Too high? Too low? Just right?**
  - **Settlement authority \$35,000+ More? Less?**



# QUESTIONS, COMMENTS

Thank You