

When is an injury "causally related" to a prior compensable injury?

Written by Australian Business

October 03, 2013 /**24-7PressRelease**/ -- The South Carolina Appellate Panel of the Workers' Compensation Commission recently issued a decision and order in a workers' comp lifetime benefits case involving a man whose on-the-job accident resulted in brain damage and other debilitating injuries. At issue in the case was whether medical care necessitated by seizures suffered seven years after the original workplace injury were covered lifetime causally-related medical benefits to which the injured man was entitled.

Prior compensable injury

The [workers' compensation](#) claimant in the case was seriously injured at work in 2004 when he fell from a ladder. He was subsequently deemed totally and permanently disabled because of his injuries and awarded workers' compensation lifetime benefits, lifetime causally-related medical treatment and attendant care that is "reasonable and necessary for all causally related injuries to his left upper extremity, back, neck, brain, speech, both eyes and psychological overlay."

Subsequent injury

In 2011, seven years after the on-job-injury, the workers' comp claimant suffered multiple seizures requiring periodic hospitalization and extensive medical treatment. The employer's workers' compensation insurance carrier denied coverage for any expenses incurred in the treatment of the multiple seizures, taking the position that the seizures were not causally related to the claimant's 2004 [work-related brain injury](#) for which he was awarded lifetime workers' compensation benefits.

The subsequent injury is "causally related" to the prior compensable injury

To determine if the seizures were "causally related" to the earlier workplace injuries, the Appellate Panel looked to the Court of Appeals of South Carolina for guidance. In a 2011 [opinion](#), the Court of Appeals described the concept of a "causally related" injury like this: "Every natural consequence that flows from a work-related compensable injury is also compensable unless the consequence is the result of an independent, intervening cause sufficient to break the chain of causation."

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For example, the Court of Appeals held in one case that injuries sustained because of heatstroke were causally related to a prior work-related injury that resulted in quadriplegia. In that case, the workers' compensation beneficiary's caregiver left him in a car on a hot day, without air-condition, while she searched for lost keys. Because the paralysis caused by the compensable workplace injury is what prevented the man from getting out of the overheated car, the court concluded that the subsequent injury was a natural consequence flowing from the earlier work-related injury and therefore compensable under workers' compensation benefits.

Relying on the medical opinions of three medical doctors and applying the same analysis used by the Court of Appeals, the Appellate Panel in the present case found that the seizures were a "natural consequence of, would not have occurred but for, and are proximally caused by the Claimant's on-the-job injury [in] 2004" and therefore compensable under the claimant's workers' comp lifetime benefits award.

Speak to a workers' compensation lawyer

If you have been injured at work or have concerns about workers' comp benefits you are currently receiving, do not delay in contacting a workers' compensation attorney. The South Carolina workers' compensation system is complex and there are specific deadlines to meet and steps to be taken in order to obtain the workers' compensation benefits to which you are entitled.

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