

An Extra Set of Eyes in Workers' Compensation Cases

By Bob Friedman

AALM: What are some of the key components you look at in developing a return to work plan?

Sawyer-Little: First and foremost, specifics regarding the individuals permanent return to work restrictions. If the individual cannot return to their previous position, what are alternatives, and will that result in any wage loss. Is the injured worker a candidate for retraining to improve their return to work options and marketability. Additional training can many times assist the injured worker in returning closer to their pre-injury wage.

If the injured worker is a training candidate, I would likely complete a vocational evaluation to assess their vocational interests, aptitudes and current academic abilities. Once it is determined that training is a viable option, I would outline a few options for consideration.

If retraining is not an option I would further analyze any transferable skills which may apply to other work within the injured workers restrictions. If the individual does not have any transferable skills, I explore other vocational/job opportunities which may provide on-the-job training. In some cases, I assist the individual with job exploration, updating/developing a resume, and applying for positions within their physical capabilities. I may consult with the employer or insurance carrier to review job descriptions and determine appropriate placement within the restrictions outlined.

AALM: What if the injured worker is no longer able to drive a car to get to work because of their injury?

Sawyer-Little: Depends. It may be as simple as modifying their existing automobile, providing a modified van, or providing a taxi or companion who can transport to and from work.

AALM: What are some overlooked costs that attorneys often don't factor into the return to work plan?

Sawyer-Little: If the individual is a candidate for retraining, cost of tuition, books and supplies need to be included. As a result, the individual may experience wage loss during the retraining period. I may also evaluate if the individual needs any adaptive equipment or modifications to assist in returning to competitive employment.

AALM: Is it a challenge evaluating whether an employee can return to the same position?

Sawyer-Little: It can be, depending on the job description provided to the physician and evaluator for review. In some cases, the job descriptions do not provide enough specifics regarding lifting, reaching, bending, walking, standing, sitting, etc. I had a client who had an arm amputated while on the job. He was anxious to return to his previous position which he loved. However, it required him to lift 50 pounds on a frequent basis. Unfortunately, the lifting requirements were not indicated in the proposed job description. In this case, I consulted with the treating physician, and prosthetic specialist, to determine if this was a viable option. Meaning, would the individual be able to perform the lifting requirements using his prosthetic arm?

An employee who is impacted by an on-the-job injury may not be able to return to their previous job position. Raleigh-based vocational expert Julie Sawyer-Little discussed with me how she assists plaintiff's attorneys and insurance defense attorneys in creating a plan to get the employee back to work.

AALM: Do you work with plaintiff's attorneys and defense attorneys?

Sawyer-Little: Yes, I do my evaluation the same way, regardless of who retains me. My role is to complete a comprehensive evaluation and provide an objective *opinion* regarding their ability to return to work.

I often encourage attorneys to call and discuss whether retaining me on a case would be a good fit. In some cases, plaintiff's counsel may leave money on the table. And, defense counsel may be paying damages that are inappropriate for the claim. The impact on the financial settlement, for either side, can outweigh the cost of retaining a vocational expert. Therefore, it can be very beneficial to have another expert set of eyes.

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