

Injury Disability Law Letter

from Spencer & Spencer, Attorneys at Law

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Dear Cheryl,

Greetings

This is a Workers' Compensation and Social Security Law Update from the Injury Disability Law Letter. We issue these Updates as newsworthy events take place in Workers' Compensation and Social Security disability law.

-Court Approves Comp Benefits for "horseplay"



Employees who engage in workplace "horseplay" in many circumstances can receive worker's compensation, the Colorado Court of Appeals recently ruled.

The Court ruled in the case of Julio Medina, a Denver bakery worker who was injured when he lifted his leg as if to kick a co-worker. He slipped and fell on the bakery floor, hurting his wrist and developing a hernia.

Even though "horseplay" isn't common or condoned by employers, the appellate court said an employee can recover for horseplay injuries as long as the injuries are sufficiently incidental to the work itself. John Sbarbaro, Medina's lawyer, said that horseplay is common in workplaces where the workers do manual labor. "Do you really expect a guy who's putting dough in a bakery eight hours a day, five days a week, 52 weeks a year, to never -- when he sees a friend -- pretend like he is going to kick him?" Sbarbaro asked.

[Read the entire Medina case here...](#)

-New Social Security Disability Rules



The Social Security Administration recently issued new regulations governing how eligibility for disability status is determined - minus a set of strict deadlines that would unfairly restrict the rights of applicants.

The new system will be phased in nationally over the next few years, starting this summer in the six New England states. As many of our readers know, under the existing system, an applicant's claim, if denied at each stage, can take up to three years to resolve.

Social Security said that the purpose of the new regulations is to benefit applicants who are obviously disabled. These people will be referred to special units so they can be handled quickly. Our firm believes, as do other attorneys who represent claimants, that the new regulations will make it more difficult for the majority of people to receive benefits.

More details about the new regulations will be provided in our newsletter as they come into effect.

[Read more about Social Security...](#)

-Court Upholds Benefits For Officer's Widow



The widow of a Loveland police captain who committed suicide in 1996 is entitled to workers' compensation benefits because there was enough evidence to show his depression was caused by job stress that was worsened by a psychologically traumatic event, the Colorado Court of Appeals recently ruled.

The city of Loveland had appealed a 2005 order by the state Industrial Claim Appeals Office awarding benefits to Ms. Davison. The city argued there was not enough evidence to show officer Davison's depression was related to his work.

It was the fourth time the Industrial Claim Appeals Office had considered the case, which also had been considered by a panel of the state appeals court and the state Supreme Court.

[Read the entire Davison case here...](#)

-Few Disabled Vets Get Social Security Disability



The Congressional Budget Office reports only 15% of those receiving veterans' disability are also getting Social Security disability benefits.

It appears that the military branches do a very poor job of letting disabled veterans know about the SSDI program.

Federal law grants disability payments through the Social Security Act in addition to veterans' disability benefits.

If you know a disabled veteran who is not receiving Social Security disability benefits, please let them know that they can qualify for both programs and receive benefits from both. You can apply online at www.ssa.gov or call 800-772-1213.

We hope you've enjoyed this update. Please forward it to anyone you know that might be interested.

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