

STATEMENT OF THE LEGAL ISSUES

Whether a worker's compensation claimant who has been found totally and permanently disabled is to be restricted to no more than supplemental wage loss benefits?

The Circuit Court found in the affirmative.

STATEMENT OF LEGAL ISSUE

- I. Whether this Court should reverse the ruling that Claimant is permanently and totally disabled under the odd lot test?

The Department held Claimant sustained his burden of proving odd-lot status and Appellees failed to demonstrate suitable work was regularly and continuously available to Claimant. (DR 309-21). Judge Anderson affirmed this determination. (CR 69-81).

- II. Whether this Court should affirm the ruling that because Claimant is working, he is limited to supplemental wage loss benefits?

Judge Anderson ruled that Claimant is limited to supplemental wage loss benefits where here Claimant has been employed full-time since 2000, earning approximately 90% of his worker's compensation rate. (CR 69-81).