



STRUNK • DODGE • AIKEN • ZOVAS  
ATTORNEYS AT LAW

### *CONNECTICUT WORKERS' COMP UPDATE*

The law firm of **Strunk Dodge Aiken Zovas (SDAZ)** provides you with our **WINTER 2026 WORKERS' COMPENSATION LAW UPDATE**. Please feel free to share this update with your colleagues. If someone inadvertently has been left off our email list and would like to receive future updates, please contact **Jason Dodge** at [jdodge@ctworkcomp.com](mailto:jdodge@ctworkcomp.com) or 860-785-4503.

### **STRUNK DODGE AIKEN ZOVAS NEWS**

**Strunk Dodge Aiken Zovas** has been named by Best Lawyers as a 2026 Tier 1 "Best Law Firm" in Workers' Compensation Law-Employers and Personal Injury Litigation-Defendants. Best Lawyers is the oldest and most respected lawyer ranking service in the world. The U.S. News – Best Lawyers® "Best Law Firms" rankings are based on a rigorous evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in the field, and review of additional information provided by law firms as part of the formal submission process.

**Heather Porto of SDAZ** was named **2026 "Lawyer of the Year"** by Best Lawyers for Workers' Compensation Law-Employers in the Hartford region. Congratulations to Heather for this prestigious honor! Other attorneys at SDAZ that have won Lawyer of the Year Awards are **Courtney Stabnick** 2024, 2020 Litigation-Insurance, **Jason Dodge** 2023 Workers' Compensation Law-Employers, and **Lucas Strunk** 2017, 2015 Workers' Compensation Law-Employers.

On February 7th **Attorneys Katie Dudack, Maribeth McGloin, Courtney Stabnick, and Philip Markuszka of SDAZ** attended the 65th annual Barristers Ball at the Wampanoag Country Club, in West Hartford. Attorney Katie Dudack, who is the HCBF President Elect acknowledged at the event Grant recipients "Footwear with Care and the South Park Inn." Attorney Philip Markuszka, Co-Chair of the Scholarship Committee presented this year's two UConn Law School scholarship recipients their awards and was joined in the presentation by UConn School of Law, Dean Nelson. SDAZ is proud to be a sponsor of the HCBA annual Barristers Ball and support their ongoing efforts.



**Attorneys Maribeth McGloin, Philip Markuszka, Courtney Stabnick, and Katie Dudack**

**Attorneys Anne Zovas, Lucas Strunk, Richard Aiken, Heather Porto, Philip Markuszka, Courtney Stabnick, Jason Dodge and Richard Stabnick of SDAZ** have been selected by their peers for recognition of their professional excellence in Workers' Compensation- Employers in the 32<sup>nd</sup> edition of *The Best Lawyers in America*.

**Attorney Jason M. Dodge of SDAZ** has been appointed the respondent attorney representative to the legislative working group established by Public Act 25-12. The working group was established to study rehabilitation services available to injured workers. The working group will examine whether rehabilitation services have been

adequately funded, methods to encourage injured employees to use rehabilitation services (including stipends) and Section 31– 308a benefits for permanently disabled employees. The working group consists of representatives from the Department of Aging and Disability Services, the Workers' Compensation Commission, attorneys representing claimants and employers, representatives of insurers, business leaders, and the Connecticut AFL-CIO, among others. The working group is tasked with providing a final report to the legislature no later than January 1, 2027 regarding their findings.

**Attorney Katie Dudack of SDAZ** has been appointed to serve as Vice President of the Hartford County Bar Foundation (HCBF). The Foundation is the charity arm of the Hartford County Bar Association and provides grants to assist the poor, disabled and homeless in the greater Hartford area. Attorney Dudack is dedicated to the work of the Foundation as a means for lawyers in the Hartford area to give back to the community. The Foundation holds fundraising events throughout the year including a road race in the Spring which Atty Dudack co-chairs with Attorney Anne Zovas and an upcoming Battle of the Bands to be held in the fall.

**Attorney Christopher Buccini of SDAZ** is Chairman of the Workers' Compensation Section of the Connecticut Bar Association. **Attorney Maribeth M. McGloin** is Secretary of the Section.

**Attorneys Richard Aiken, Jason Dodge, Lucas Strunk, Anne Zovas, Heather Porto and Philip Markuszka** were named Super Lawyers for 2025 in the field of workers' compensation law. **Attorneys Ariel MacPherson, and Matthew Sacco of SDAZ** were named "Rising Stars" in workers' compensation law.

**Attorneys Anne Zovas, Richard Aiken, Lucas Strunk, Jason Dodge and Richard Stabnick of SDAZ** have received an AV rating by Martindale-Hubbell. Martindale-Hubbell states that the AV rating is the highest peer rating standard. This is given to attorneys who are ranked at the highest level of professional excellence for their legal expertise, communication skills, and ethical standards by their peers.

The Connecticut Workers' Compensation Treatise Supplement has just been issued. The treatise is written by **Attorneys Lucas Strunk and Jason Dodge of SDAZ as well as Attorneys Robert Carter, Donna Civitello, and James Pomeranz**. The treatise is a good resource to understand how workers' compensation claims are administered and adjudicated in Connecticut. The treatise addresses such topics as jurisdiction, injuries which arise out of and in the course of employment, affirmative defenses, occupational diseases and repetitive trauma, the second injury fund and appeals to the compensation review board. The treatise is fully indexed and provides citations to applicable statutes and cases with yearly updates. You can obtain a copy of the treatise at Amazon.

CONNECTICUT  
PRACTICE SERIES™

Volume 19

WORKERS'  
COMPENSATION  
LAW

2025-2026 Supplement

Issued in December 2025

By

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**Strunk Dodge Aiken Zovas has been named the Connecticut representative of the National Workers' Compensation Defense Network.** The NWCDN is a nationwide network of workers' compensation defense law firms that partner with other attorneys to provide clients with expertise, education, and guidance in the field of workers' compensation. Only one firm per state is selected for this prestigious organization. If representation is needed in a state outside of Connecticut, the NWCDN network provides a vetted list of law firms that can provide excellent legal assistance to clients of **SDAZ**.

**Kids' Chance of Connecticut** will be having its second annual March Madness Corn Hole Tournament on Thursday, March 19, 2026 at the Truck Bar, 151 Webster Square Avenue, Berlin, Connecticut. **Kids Chance of Connecticut** provides scholarships to children of Connecticut workers who are catastrophically injured or killed on the job. **Strunk Dodge Aiken Zovas** is a sponsor for this event and will have a team competing. **Attorney Phil Markuszka of SDAZ** is a board member of KCOC. Please go to this site to register for this fun event:

[2026 Cornhole Tournament - Kids' Chance of Connecticut](#)

## OUR ATTORNEYS:

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SDAZ can provide your company with seminars regarding Connecticut Workers' Compensation issues. Please contact us about tailoring a seminar to address your needs.

We do appreciate referrals for workers' compensation defense legal work. When referring new files to SDAZ for workers' compensation defense please send them to one of the attorneys' email: [azovas@ctworkcomp.com](mailto:azovas@ctworkcomp.com), [raiken@ctworkcomp.com](mailto:raiken@ctworkcomp.com), [lstrunk@ctworkcomp.com](mailto:lstrunk@ctworkcomp.com), [jdodge@ctworkcomp.com](mailto:jdodge@ctworkcomp.com), [hporto@ctworkcomp.com](mailto:hporto@ctworkcomp.com), [nberdon@ctworkcomp.com](mailto:nberdon@ctworkcomp.com), [cstabnick@ctworkcomp.com](mailto:cstabnick@ctworkcomp.com), [cbuccini@ctworkcomp.com](mailto:cbuccini@ctworkcomp.com), [pmarkuszka@ctworkcomp.com](mailto:pmarkuszka@ctworkcomp.com), [cdangelo@ctworkcomp.com](mailto:cdangelo@ctworkcomp.com), [amacpherson@ctworkcomp.com](mailto:amacpherson@ctworkcomp.com), [rstabnick@ctworkcomp.com](mailto:rstabnick@ctworkcomp.com), [mmcgloin@ctworkcomp.com](mailto:mmcgloin@ctworkcomp.com), [ksantos@ctworkcomp.com](mailto:ksantos@ctworkcomp.com) or by regular mail. We will respond acknowledging receipt of the file and provide you with our recommendations for defense strategy.

Please contact us if you would like a copy of our laminated "Connecticut Workers' Compensation at a glance" that gives a good summary of Connecticut Workers' Compensation law to keep at your desk.

## CONNECTICUT WORKERS' COMPENSATION COMMISSION NEWS

### MEMORANDUM NO. 2026-01

All payments for Commission Medical Examinations (CMEs) and/or CME no-show fees are due within 45 days of receipt of a properly submitted bill. **Failure to make such a timely payment will result in an additional \$450 charge.**

Bills for CMEs are not required to be submitted on HCFA (CMS-1500) forms and have no specific CPT code requirement. "Properly submitted" means that the bill, accompanied by the report, is submitted to the responsible party indicated on the ALJ's original order.

CMEs are not subject to discounts, including PPO discounts. The rate for a CME is \$900 unless a higher amount is approved by the ordering ALJ. Timely payment of a discounted amount will not negate the additional charge.

Respondents should timely pay any CME no show fee that has been billed pursuant to Commission guidelines. They may then request a hearing to determine whether reimbursement and/or a credit is warranted.

### **MEMORANDUM NO. 2025-09**

The Workers' Compensation Commission (WCC) will accept the submission of certain forms and documents electronically through our enhanced [GovQA System](#). The updated system will streamline the form submission process and make it more convenient for everyone involved. Electronic filing is not required. Parties are still welcome to file forms by mail (certified mail where required), fax, or hand-delivery.

Listed below are the forms and documents WCC will accept through the GovQA System:

#### **The following claim forms and documents will be accepted as attachments:**

- 30C: Notice of Claim for Compensation
- 30D: Dependent's Notice of Claim for Compensation
- 36: Notice of Intention to Reduce or Discontinue Payments
- 43: Notice to Administrative Law Judge and Employee of Intention to Contest Employee's Right to Compensation Benefits
- 44: Order to Second Injury Fund in Cases of Concurrent Employment
- Brief or Proposed Finding
- Hearing Request
- Hearing CANCELLATION Request
- Lien Notice
- Medical Documentation (in conjunction with a Commission Medical Exam as ordered by WCC)
- Notice of Appearance
- Petition for Review
- Motions
- Stipulation (for Review only - original copies must be brought to hearing)

#### **The following administrative forms and documents will be accepted as attachments:**

- 6B: Coverage Election by Employee who is an Officer of a Corporation or a Manager

of an LLC

- 6B-1: Coverage Election by Employees who are Members of a Partnership
- 75: Coverage Election by Sole Proprietor
- Claim Filing Location Form/ Notice to Employees
- Medical Care Plan Application for Employer
- Self-Insurance Application
- WCR-1: Rehabilitation Request

**Additionally, the following administrative forms may be filled out and submitted directly online:**

- Contact Information Change Form (Parties may use this form to make changes to their contact information or add an email address to receive hearing notices electronically)
- Hearing Questionnaire (You must have received a survey number from WCC in order to complete this questionnaire)

Please note that parties submitting these documents to WCC electronically must continue to send physical copies to the other parties to a claim, by certified mail or hand-delivery, if required.

The Commission's new form submission service is a centralized, secure public records system that builds on the current GovQA information and records requests portal. The [GovQA portal](#) allows requestors to track their requests and form submissions, while also standardizing workflows for employees.

GovQA is the largest provider of cloud-based Software as a Service (SaaS) automated workflow solutions for government compliance. Its Public Records Management software handles more requests for state and local governments than any other software provider.

#### **MEMORANDUM NO. 2025-07**

A new, updated [Authorization for Release of Medical Records \(PDF\)](#) is now available on the Workers' Compensation Commission website. The form has been revised to be HIPAA compliant, as well as compliant with Connecticut's Reproductive Rights Shield Law.

The use of WCC's form is not mandatory. It has been provided for your convenience. Parties may use another HIPAA compliant form if they prefer.

#### **MEMORANDUM NO. 2025-08**

Effective October 1, 2025, the Workers' Compensation Commission (WCC) will begin invoicing fees for Freedom of Information Act (FOIA) requests through our enhanced [GovQA System](#). The new process will streamline billing of fees and allow for

credit/debit card payments. When a records request incurs fees, the requestor will automatically be notified and receive a copy of the invoice which they can then pay online, through mail, or in-person at one of WCC's offices.

WCC will only charge a customer the cost of what WCC pays for providing records. For physical copies, the cost is \$0.25 per page plus postage, if applicable. Effective October 1, 2025, and subject to State Contract #22PSX0156, the cost to retrieve closed files from archive will now be \$23.00 for the first box/file and \$1.80 for each additional box/file. Should records need to be returned to archives, the cost will be \$1.80 per box/file. Retrieval fees will only be charged for archived claims with a full & final stipulation on file.

## **MEMORANDUM 2025-02**

Effective July 7, 2025, where a claimant cancels a scheduled Commission Medical Examination **less than two business days prior to the date of the examination**, the Commission recommends that the physician's office limits the cancellation fee to **\$300.00**. There shall be no cancellation fee assessed for CMEs cancelled more than two business days prior to the exam. Where a claimant fails to attend a Commission Medical Examination and does not call or otherwise alert the physician's office prior to the appointment time, the Commission recommends that the physician's office limit the no show fee to **\$450.00**.

In either situation, when determining responsibility for the payment of the late cancellation or no-show fee, the parties and the administrative law judge should implement a fault-based approach that takes into account the circumstances surrounding the claimant's failure to attend the examination.

## **MEMORANDUM 2025-04**

Memorandum 2025-04 has been issued by Chief Administrative Law Judge Morelli regarding maximum compensation rates. The Chairman has ordered that the maximum total disability rate for injuries occurring after October 1, 2025 is **\$1,716.00** (based on the estimated average weekly wage of all employees in Connecticut). The maximum temporary partial/permanent partial disability rate for accidents after October 1, 2025 is **\$1,220.00** (based on the average weekly earnings of production and related workers in manufacturing in Connecticut).

## **BURIAL EXPENSES**

As of January 1, 2026, the burial fee for deaths covered under the Workers' Compensation Act is \$14,816.74 based on the overall 2025 CPI-W increase for the northeast of 3.1%. Connecticut General Statutes Section 31-306 was amended in 2021 to reflect that the compensation for burial benefits will be adjusted by the percentage

increase in the consumer price index for urban wage earners and clerical workers in the Northeast as defined in the United States Department of Labor's Bureau of Labor Statistics.

## **MILEAGE REIMBURSEMENT**

As of January 1, 2026 the mileage reimbursement rate is 72.5 cents per mile.

Previously on January 1, 2025 the mileage reimbursement rate was 70 cents per mile, on January 1, 2024, 67 cents per mile, on January 1, 2023 65.5 cents per mile and as of July 1, 2002 the rate was at 62.5 cents per mile.

## **MEMORANDUM 2024-03**

Effective July 1, 2024, wage statements should be attached to all Voluntary Agreements. If the claimant is concurrently employed, wage statements from all employers should be included with the submission. Failure to attach a wage statement(s) will result in the rejection of the Voluntary Agreement.

## **WORKERS' COMPENSATION PORTAL**

The Commission does have a website where you can look up such information as to whether a hearing is assigned, list of all claims for an employee, status of a Form 36, and interested parties. This is quite a useful site and is a different website than the Commission's main site. It can be found at:

<http://stg-pars.wcc.ct.gov/Default.aspx>

## **NEW COMPENSATION REVIEW BOARD PANEL**

The new CRB panel beginning January 1, 2026 will be Administrative law Judges Colette Griffin and Michael Anderson along with Chief Administrative Law Judge Morelli.

## **CASE LAW**

**POST v. RAYTHEON TECHNOLOGIES/PRATT & WHITNEY, 235 Conn. App. 901(September 16, 2025), petition for certification denied, 353 Conn. 928 (November 18, 2025)**

The Connecticut Supreme Court denied the claimant's petition for certification to the Supreme Court in this case where the Connecticut Appellate Court in a "per curiam" decision (all Judges agreed with the decision) affirmed the dismissal of this workers' compensation claim by the CRB and Trial Judge. The claimant alleged that she fell at work on the company premises on February 14, 2022 causing a fracture to her left leg. While the respondents acknowledged that the claimant fell at work they denied liability in the case. The respondents contended that the claimant's injury did not "arise out of" her employment; rather, respondents asserted that the claimant's fall was because of a pre-existing, non-occupational foot drop.

The claimant had several prior left hip surgeries which caused a foot drop. As a result of this, the claimant became more susceptible to falling. The claimant did wear a brace on her left ankle to stop falls although she admitted that it was uncomfortable. The claimant fell at a restaurant outside of work in January 2022, one month before the work accident. A fellow worker testified that he saw the claimant prior to the work accident, and she was having difficulty walking. The claimant came in to work early in the morning on the date of the accident and was walking to her workstation at the time of the fall.

Following the fall, the claimant reported to numerous medical providers that she had fallen on rock salt. At the formal hearing, however, the claimant acknowledged that she did not see any rock salt at the time of her fall but did say that there had been rock salt outside of work as she entered the premises. The claimant also testified at the formal hearing that there may have been a small puddle of water on the floor where she fell. The claimant did not know why she fell, however.

The respondents presented the testimony of Dr. Raymond Sullivan, a foot specialist, who opined that the claimant's pre-existing left foot drop was a substantial factor in causing her fall at work. The Administrative Law Judge concluded that Dr. Sullivan's testimony was persuasive that the claimant's foot drop was a substantial contributing factor in causing the fall. The Judge found there was no credible or persuasive evidence that there was rock salt on her shoe when she fell or that there was water on the floor. The Judge dismissed the claim concluding that the fall was caused solely by her left foot drop condition.

A Motion to Correct was filed by the claimant post the trial decision; that Motion to Correct was not granted regarding the claimant's contention that walking at work was a contributing factor to her fall. The claimant throughout the case had contended that her fall could not have occurred had she not been walking, that she had to walk to get to her work station, that walking at work was incidental to her employment and therefore the fall arose out of her employment. Implicit in the Judge's denial of the Motion to Correct was that he did not agree with the claimant's assertions regarding walking being a substantial factor in the cause of the fall.

The Compensation Review Board affirmed the dismissal on appeal finding that the record was "devoid of evidence that any workplace condition or activity contributed to the claimant's injury." The Board found that the respondents had successfully rebutted any presumption of compensability.

Following the CRB decision the claimant took the appeal to the Appellate Court, however, she was unable to cite any decision in her favor supporting the proposition that an idiopathic fall on level ground at work should be considered compensable. An idiopathic fall at work has been defined to be a fall due to a personal infirmity.

Oral argument before the Appellate Court was held on September 4, 2025. Former Connecticut Supreme Court Judge Palmer, Judge Clark and Judge Westbrook were on the panel presiding over this appeal. Judge Palmer had previously issued the decision in the leading case on idiopathic injuries at work, *Clements v. Aramark Corporation*, 339 Conn.402 (2021). The Appellate Court issued their ruling affirming the dismissal of this claim within twelve days of the oral argument.

This case is important since it provides guidance as to what a respondent is required to do to defend a claim that may be due to a personal infirmity. Generally, an injury to a worker on the employer's premises is presumed to be compensable; the respondents should try and rebut that presumption by presenting medical and lay testimony that the claimant's pre-existing condition is the cause of the fall and nothing at work has contributed to the injury. The respondents need to prove not only that the claimant had a pre-existing condition but also that the injury at work was caused by the personal infirmity. The respondents in this case were able to rebut any presumption of compensability based on strong testimony of Dr. Sullivan on causation and the lay witness who supported the contention that the claimant struggled while walking.

A petition for certification was filed by the claimant to the Connecticut Supreme Court and that was denied on November 18, 2025.

This case was recently reported in The Journal of the Connecticut Defense Lawyers Association, "The Defense," Fall 2025 issue.

This claim was successfully defended by **Attorney Jason Dodge of SDAZ**.

#### **PRATT V. BENCHMARK, 6576 CRB – 2– 25 – 4 (February 20, 2026)**

The claimant alleged a left knee injury in her job as a CNA. The claimant alleged injuries on May 23, 2022 and September 2, 2022. It appears that the initial left knee injury was accepted as compensable, however, the subsequent injury was disputed. At the time of the formal hearing the claimant acknowledged that her recollection of the events may be fuzzy but that she believed she was injured on September 2, 2022. The medical records, however, suggested that the second injury may have occurred later. There was a report from October 3, 2022 which referenced an injury the day prior. The RME performed in behalf of the respondents mentioned a second injury in either September or October 2022. The trial judge determined that, in fact, the claimant had sustained a second injury on October 2, 2022, not September 2, 2022, and that was the cause of her left knee injury. Benefits were awarded for the left knee injury due to an October 2, 2022 date of injury. The respondents appealed claiming that no claim had ever been made for an October 2, 2022 injury. Among other things, the respondent's question whether there was a due process violation. The trial judge found that the notice of claim

that had been filed in August 2023 for the September 2, 2022 alleged injury “under the totality of the circumstances” provided the respondents with notice of the October 2, 2022 date of injury. The Compensation Review Board agreed with the trial judge and affirmed the finding. Ironically, if one goes to the Commission website at present, the only two dates of injury that are listed are May 23, 2022 and September 2, 2022; a file for an October 2, 2022 claim apparently has not been established by the Commission notwithstanding the finding.

**FLOWERS v. LUVATA NORTH AMERICAN ,INC., 6570 CRB-5-25-2 (November 14, 2025)**

The claimant sustained a compensable left small finger tip amputation injury. An RME doctor provided opinion that claimant could do light duty work with a 10 pound restriction and then full duty in one month. The treating doctor gave a light duty restriction with no repetitive or strenuous twisting, grasping or pinching. The employer offered the claimant work cleaning and dusting; the work could be performed one-handed and with gloves on. The treating doctor agreed the claimant could do the work. The claimant did return to work but the employer contended that the claimant did not do the work and was sitting around looking at his phone. The claimant was sent home because he refused to do the work. The claimant contended that he could not do the work with gloves on but there was no medical restriction regarding gloves. A Form 36 was approved by the Trial Judge and that was affirmed on appeal to the CRB. The basis for approval of the Form 36 was that the claimant had refused to perform work offered within his restrictions.

**GOULET v. DAVIS-STANDARD, INC., 6579 CRB-2-25-5 (December 19, 2025)**

This claim for injuries sustained as a result of an assault on the claimant by a fellow worker was dismissed based on findings of horseplay on the job and serious and willful misconduct. The claimant at a meal break got into a dispute with a fellow worker over a seat in the cafeteria. The claimant called the other employee a poor worker while the fellow employee noted that the claimant was bald. Eventually the claimant squirted the other employee in the face with water. The claimant left the cafeteria and while going back to his workstation was confronted by a different worker who was aware of the situation in the cafeteria and told the claimant to calm down. At that point the claimant also squirted this worker in the face with water. The worker then grabbed the claimant by his throat and struck him several times causing injury. The claimant did not strike the other worker. Both the assailant and the claimant were terminated by the employer. The claimant was terminated for horseplay; the employer contended that squirting water on another employee constituted horseplay in violation of the company handbook. The claimant was charged by the police with breach of the peace and the other employee was charged with assault. The dismissal on appeal to the CRB was affirmed based on findings of horseplay and willful and serious misconduct.

**AVALOS v. CITY OF WATERBURY/BOE, 6580-CRB-5-25-5 (December 19, 2025)**

The claimant was a paraprofessional for the employer who was involved in an incident on November 1, 2022 with a student. The employee alleged that she sustained injuries to her head, right arm and left shoulder because of being struck by a student. The claimant did issue a statement on the date of the accident stating that she had been struck in the head, right arm, and "left arm." At the initial medical examination on November 1, 2022, the claimant only complained of injuries to the head, right shoulder and neck; no complaints were made re the left shoulder in the first medical treatment. Further treatment on November 3, 2022 referenced injury to the head, neck and right shoulder (not the left shoulder). The claimant was seen by Dr. Watson on November 26, 2022 at which time the left shoulder was first mentioned by the claimant; a MRI of the left shoulder was performed which showed no structural damage. The employer denied the left shoulder injury contending it was not initially claimed. The Trial Judge found the claimant not credible and dismissed the left shoulder claim. The dismissal was affirmed on appeal to the CRB which noted that "As the administrative law judge did not find the claimant credible, he was not obligated to find medical evidence and opinions reliant upon her narrative credible." The Board noted that the claimant's initial statement referenced being struck in the left arm and not the shoulder; the CRB stated that there was a difference between an injury to the arm versus a shoulder injury.

**ACADIA INSURANCE COMPANY V. SHADI ET AL, NNH CV24-6142772 S, Judge Papastavros, Judicial District of New Haven, Superior Court, (February 9, 2026)**

This action stems from a claim for reimbursement of workers' compensation benefits brought by Acadia Insurance Company, as subrogee of Baybrook Remodelers, Inc., pursuant to Connecticut General Statute § 31-293(a). The injured worker, Nicholas Mozisek, was employed as an electrician with Baybrook Remodelers, Inc. On May 5, 2023 Mr. Mozisek was operating a 2013 Ford Transit Connect XI owned by Baybrook Remodelers, Inc., in the course of his employment. He was traveling in the right travel lane, heading eastbound on Boston Post Road in Orange. At that time, the defendant, Zainab Shadid, was operating a vehicle and was traveling in a southbound direction on Boston Post Road, when he attempted to drive across Boston Post Road and collided suddenly with the vehicle operated by Mr. Mozisek.

As a result of the collision, Mr. Mozisek sustained injuries and damages and filed a workers' compensation claim related to his injuries. As a result thereof, Acadia provided Mr. Mozisek with medical attention and has extended sums of money for medical treatment and incidental expenses, and may become obligated to expend further sums for additional medical treatment in the future. As a further result of the accident, Acadia has become obligation to expend sums of money in payment for compensation directly to Mr. Mozisek and may be obligated to extend further sums in the future as may be awarded by the Workers' Compensation Administrative Law Judge and/or agreed upon by the parties. To date, Acadia has paid \$35,354.25 in workers' compensation benefits.

Following the accident, the Acadia placed all parties on notice of its statutory lien rights, pursuant to Connecticut General Statute § 31-293(a). Claimant's counsel claimed that prior to Acadia's suit being filed, that he had begun to have settlement discussions with the liability carrier in October of 2023 to tender its \$25,000 policy. However, there was no reported settlement at any time and even if there had been, there would have been no requirement on the party of Acadia to reduce its lien under C.G.S, Sec. 31-293(a), unless the injured worker initiated the action

With liability being clear and no suit filed, Acadia Insurance Company, as subrogee of Baybrook Remodelers, initiated a direct civil action against the tortfeasors, Manhoor Shadid and Zainab Shadid, on April 4, 2024, with a return date of May 7, 2024. At the same time, Acadia placed Nicholas Mozisek on notice of its lawsuit, inviting Nicholas Mozisek to intervene in said action. On June 4, 2024, claimant counsel, filed a Motion to Intervene on behalf of Nicholas Mozisek in Acadia's direct action, pursuant to Connecticut General Statute § 31-293(a).

Claimant counsel requested a one-third lien reduction in Acadia's action and when it became clear that Acadia Insurance was maintaining its full statutory lien rights, the claimant initiated a direct action against the defendants, Manhoor Shadid and Zainab Shadid.

The underlying tortfeasor carries the statutory minimum of coverage in the amount of \$25,000.00, with no additional insurance. The tortfeasor policy has been offered and the plaintiff, Acadia Insurance Company, a subrogee of Baybrook Realtors, Inc., maintained that after reimbursement of its lien, there are no additional funds left for the injured worker. Claimant counsel agreed that his client would not be entitled to a recovery at oral argument on October 28, 2025.

In addition to Nicholas Mozisek filing his own direct suit, his counsel filed a motion to consolidate the injured workers' subsequent direct action with the present action. (Exhibit F) That motion to consolidate was denied, presumably due to the fact that Nicholas Mozisek was already an intervening plaintiff in that underlying action. However, in that motion to consolidate, claimant's counsel implied that the action filed by Nicholas Mozisek was filed first, in identifying it as the "first action" and then later referring to the Acadia action as the "second suit" for purposes of consolidation. However, to be clear, the third party action was initiated by Acadia Insurance Company on April 4, 2024, with Nicholas Mozisek's direct suit having been filed two-and-a-half months later, on June 18, 2024.

The issue before the Court was whether claimant counsel was entitled to a fee out of the underlying tortfeasor's policy in the amount of one-third of the proceeds of the \$25,000.00 settlement recovered by Acadia. All parties acknowledge that Nicholas Mozisek is not entitled to any recovery out of the limited tortfeasor's policy. The only issue for the court is whether claimant attorney is entitled to a one-third attorneys' fee on the underlying action brought by Acadia against the Defendants

Judge Papastavros consider the facts in the case and applied Connecticut General Statutes Section 31 – 293 to determine that "because Acadia initiated this action, it's claim on any proceeds arising from this action shall take precedence. Mozisek did not initiate the action and is therefore not entitled to one third of the proceeds recovered by Acadia. Mozisek's attorney provided no evidence, testimony, or valid basis to support his claim for attorneys fees and costs, and so is therefore not entitled to the requested

amount. Accordingly, Acadia is entitled to the entirety of the proceeds pursuant to its lien.”

Based on the above, Acadia was able to receive the entire policy without any reduction for claimant counsel fees or one third reduction of the lien. This case illustrates that where liability is clear it may be appropriate for the Workers’ Compensation carrier to pursue a direct action against the tortfeasor in order to avoid payment of claimant attorney fees or one third reduction in lien. **Attorney Courtney Stabnick of SDAZ** successfully prosecuted this subrogation claim.

**ACRONYMS USED IN CONNECTICUT WORKERS’ COMPENSATION:**

<b>ACRONYMS/ABBREVIATIONS</b>	<b>MEANING OR USE</b>
ALJ	Administrative Law Judge.
AOE	Arising from employment.

App Ct	Appellate Court.
AWW	Average weekly wage. Generally, the average wage we use based on the gross earnings from 52 weeks of wages before work accident.
AX	Abbreviation of accident in medical or adjuster notes.
CHIRO	Abbreviation for chiropractor.
CME	Commission Medical Exam. An exam scheduled by the Judge to address issues re diagnosis, work capacity, mmi and causation. Usually scheduled after conflicting doctor opinions are produced by the parties.
CMS	Centers for Medicare and Medicaid Services. Amongst other things, CMS reviews Medicare set aside accounts (MSA's) to determine if they properly protect Medicare's interest in settlement of workers' compensation claims.
COE	Course of employment.
CR	Compensation Rate. The actual rate on weekly basis paid to an injured worker. Calculated based on the injured worker's tax filing status and applying that to the average weekly wage.
CRB	Compensation Review Board. Three-member board that reviews on appeal workers' compensation decisions from Judges.
DEPO	An oral statement under oath where attorneys on both sides are allowed to pose questions to the deponent.
DJD	Degenerative joint disease.
DOI	Date of injury.

EE	Employee
ER	Employer
ESI	Epidural Steroid Injection. Used by pain management specialists to treat spine injuries.
FCE	FUNCTIONAL CAPACITY EVALUATION: Generally, an examination performed by a physical therapist to determine what restrictions an injured worker has regarding work capacity.
FD	Full duty.
FROI	First report of injury.
HX	Abbreviation for history in medical notes.
IND	Indemnity: the weekly wage loss payment made to an injured employee.
LD	Light duty.
MBB	Medial Branch Block. Injection to spine by pain management specialist. Usually, a precursor to RFA procedure.
MCP	Medical Care Plan. A list of doctors that have been approved by the Chairman office for an employer; injured workers for an approved MCP must treat with only the doctors in the MCP. In general, most employers do not have an approved MCP.
MMI	Maximum medical improvement. The point where functionally there is likely not going to be improvement in the future. It is our goal to get the employee to this point as early as possible.

MSA	Medicare Set-aside account. The amount of money set aside for future medical treatment at the time of settlement of a work injury. Often, the MSA is reviewed and approved by CMS.
NCM	Nurse case manager. A nurse assigned by an insurance carrier to assist the injured worker in scheduling tests, exams, PT and surgery.
NOA	Notice of appearance: generally filed by counsel with commission and all parties when they enter the case.
OH	Occupational health.
OTC	Over the counter, generally refers to non-prescription medications
OTC	Occupational therapy.
PA	Physician Assistant
PPD	Permanent partial disability. The level of ratable impairment to a particular body part; usually only given at mmi.
PT	Physical Therapy
RFA	Radiofrequency Ablation. Surgical procedure using radiofrequency waves to create heat and kill tissues. Can be used for spine pain.
RME	Respondent medical examination (used to be called Independent medical Examination: IME). An examination scheduled by the respondents/employers/carriers to address work capacity, causation, permanency, maximum medical improvement etc.
RPI/Rep Trauma	Repetitive trauma injury such as carpal tunnel or hearing loss claim.

SED	Sedentary duty.
SOL	Statute of Limitations, generally referring to the time period within which a civil claim in superior court can be filed.
SSDI	Social Security Disability (not regular retirement benefits). A federal program for disabled individuals. Generally, people receiving this benefit are on Medicare and receive monthly indemnity payments.
STIP	Abbreviation for stipulation: generally, refers to full and final settlement document approved by the Administrative Law Judge.
Sup Ct	Supreme Court
SX	Abbreviation for surgery.
TKR	Total knee replacement.
TP	Temporary partial disability. Paid to injured employee when they are capable of light or sedentary work and not their regular job.
TT	Temporary Total disability. Paid when an injured employee cannot perform any work.
WCC	Workers' Compensation Commission