

**STRUNK DODGE AIKEN ZOVAS ANALYSIS OF GOVERNOR LAMONT'S EXECUTIVE ORDER 7JJJ RE REBUTTABLE PRESUMPTION FOR CERTAIN COVID-19 CLAIMS**



**STRUNK · DODGE · AIKEN · ZOVAS**  
ATTORNEYS AT LAW

**DID THE CLAIMANT MISS A DAY OF WORK BETWEEN MARCH 10, 2020 AND MAY 20, 2020 DUE TO COVID-19?**

No

Yes ↓

**DID THE CLAIMANT HAVE DIAGNOSIS OF COVID-19 EITHER 1) BY POSITIVE LABORATORY TEST OR 2) BASED ON SYMPTOMS BY LICENSED PHYSICIAN, P.A., OR R.N. WITHIN 3 WEEKS OF THE "DATE OF INJURY"?**

No

Yes ↓

**DID THE CLAIMANT WORK OUTSIDE OF THE HOUSE AT THE DIRECTION OF THE EMPLOYER AT LEAST ONE OF THE FOURTEEN DAYS IMMEDIATELY PRIOR TO THE DATE OF INJURY WITHOUT AN OFFER OR DIRECTIVE FROM THE EMPLOYER TO WORK FROM HOME?**

No

Yes ↓

**IF THE DATE OF INJURY WAS MORE THAN FOURTEEN DAYS AFTER MARCH 23, 2020 WAS THE CLAIMANT EMPLOYED BY AN EMPLOYER DEEMED ESSENTIAL BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT PURSUANT TO EXECUTIVE ORDER 7H?**

No

Yes ↓

**THE CLAIMANT HAS A REBUTTABLE PRESUMPTION OF A COMPENSABLE OCCUPATIONAL DISEASE FOR COVID-19, HOWEVER, THE EMPLOYER CAN DEFEND THE CLAIM IF IT PROVES TO A COMMISSIONER BY THE PREPONDERANCE OF THE EVIDENCE THAT THE EMPLOYMENT IS NOT THE CAUSE OF COVID-19**

**CLAIMANT IS NOT ENTITLED TO REBUTTABLE PRESUMPTION IN FAVOR OF COVID-19 CLAIM**  
**(ALTHOUGH NO REBUTTABLE PRESUMPTION GIVEN, THE CLAIMANT IS STILL ABLE TO PURSUE A CLAIM FOR BENEFITS DUE TO COVID-19 BUT THE BURDEN OF PROOF IS ON THE CLAIMANT TO PROVE ENTITLEMENT TO BENEFITS AS OCCUPATIONAL DISEASE)**