Full Commission Ruling in COVID-19 Workers' Compensation Case

Practices

Workers' Compensation

October 7, 2024

The North Carolina Industrial Commission (Full Commission) recently reached a decision in a COVID-19 occupational disease workers' compensation claim. This decision has not been appealed, giving guidance as to handling and defending of similar claims.

Case Overview

- A healthcare worker contracted COVID-19 in late 2020 and subsequently passed away.
- The worker's widow filed a workers' compensation claim, alleging the disease was a compensable occupational disease.
- The widow initially reported strict isolation at home, suggesting work as the only possible source of COVID-19 exposure.

Key Facts

- **Early Evidence Gathering**: Prompt retention of defense counsel allowed for timely collection of social media evidence documenting activities outside of work.
- **Contradictory Evidence**: Social media posts available online revealed the worker had participated unmasked in multiple large social gatherings.
- **Expert Opinion**: An infectious disease expert concluded that the workplace, with mandated PPE, was likely the safest environment for the decedent. He was able to point to multiple sources of COVID-19 exposure and possible infection outside of the work environment, refuting the causation opinions provided by Plaintiff's retained expert.

Commission's Ruling

The Full Commission determined that the plaintiff failed to prove:

- The COVID-19 infection was a compensable occupational disease.
- The disease was contracted in the course and scope of employment.

Significance of the Ruling

This is one of the first litigated COVID-19 occupational disease cases decided by the North Carolina Industrial Commission. It underscores the critical importance of early and thorough social media investigation in workers' compensation claims.

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Implications for Employers and Insurers

- Emphasizes the value of prompt and diligent investigation in COVID-19 related claims.
- Highlights the potential of social media evidence in challenging presumptions about workplace exposure.
- Reinforces the importance of consistent workplace safety measures and PPE protocols.

We strongly recommend reviewing your current practices for handling COVID-19 related workers' compensation claims in light of this decision. Our team is available to discuss strategies for implementing these insights into your claims management process.

For any questions or to discuss this matter further, please don't hesitate to contact us.

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