

Bonnerly Paper
Final Exam Question 1
Workers Compensation
Fall 2003

Ward Bonnerly owned a small specialty paper manufacturing plant. He ran a tight ship. All employees were required to take drug tests, including Ward who tripped on the stairs one day on his way in from a cigarette break and fell injuring his knee. When his drug test came back, he tested positive for cocaine. Bonnerly previously experienced knee problems from an on the job injury and a skiing accident, but failed to report it during his physical examination by the company physician.

On his way to the company doctor Bonnerly stopped to pick up a man and his child who were stranded when their car stalled. While he was in the process of picking them up, an inattentive driver ran into Bonnerly's truck wrenching his knee further and severely injuring the father. As a result of the crash, Bonnerly began to experience psychological symptoms. He felt pain throughout his entire body even though the physicians could find nothing wrong with him and he developed a fear of driving. A later examination of the premises revealed a defect in the runner on the stairs which was an industrial runner designed to prevent accidents.

Bonnerly became increasingly dissatisfied with his physician who could not explain the pain he was experiencing. His knee surgery was botched causing him even greater pain and discomfort and he refused to return to the doctor. He would like to be able to see a different physician. He also is beginning to gain weight because he is unable to put much weight on his knee. He would like to begin a weight loss program. Bonnerly did not return to work after his accident and has refused to do so even though his physician has determined that he has reached maximum healing. He feels he is unable function at work because of the pain he lives with daily.

Bonnerly seeks your advice on his claim. Explain to him the process for filing his claim as well as the burden of proof and the issues raised by the facts of his claim. Describe the benefits he may potentially receive and the practical concerns. Don't forget to include timing issues and in your analysis. Evaluate the strengths and weakness of his claim.

**Miller Sales & Servicing
Final Exam Question 2
Workers' Compensation
Fall 2003**

Randi Davis, Lila Marin, Joe Brown and Charles Potter worked as traveling salesmen and repair technicians for Miller Sales, a family run computer sales and repair company. Randi lived near the office and was on her way to work one day when one of her coworkers called her to stop and pick up donuts for the office. The shop was located on a very busy and dangerous intersection. As she pulled out of the donut shop her car was hit by a drunk driver who never saw her. The shock of the impact triggered a heart attack. When her family called Miller to report the injury, she was terminated. Shortly thereafter she died.

Lila was known for her fiery temper. She was particularly edgy after Randi's death because they had been close friends. During her lunch break, one of her coworkers in a bad attempt at humor, came up behind her, poked her with a screw driver (which caused serious bruising) and asked about the big donut hole in the sky. Lila responded instinctively by punching the coworker, causing a black eye and broken nose. Meanwhile Lila's ex-husband had finally located her place of employment. Lila had previously warned the Millers about his propensity for violence and that he had threatened her. He entered the shop, found her in the break room and caused her serious injury before her coworkers were able to subdue him. Lila suffered several bruised vertebrae, a broken leg and facial disfigurement.

Joe was a long time Miller employee. He would do whatever it took to get an account. Miller provided all its representatives with expense accounts to cover the costs of such social activities. Joe invited an office manager Pat to his room for drinks and to discuss business matters. Joe secured the account but learned that he had also contracted herpes from his encounter with Pat. He seeks workers compensation for his condition. He would like to take a lump sum payment for his benefits, but wants to leave his options open for continuing medical treatment.

Charles was out on the road during all of these events. He was staying at a Holiday Inn near a customer's office. He found life on the road stressful and often swam when he had the opportunity. Miller was aware of and approved of his recreational activities as a stress reliever. Charles checked in with the Miller early one morning and went for a swim. He was found later at the bottom of the hotel pool. His wives (neither of whom knew about the other), children, step children and parents are seeking workers compensation benefits for his death.

Discuss all the potential workers compensation claims raised by this scenario. Be sure to address all defenses as well as the benefits which may be available to each claimant. What is the likelihood of the success of each claim/defense?