

Rothman Gordon Union Alert

RICO Update

By John W. Zatkos, Esquire

In our recent Workers' Compensation Newsletter, we discussed that a RICO Action can be maintained. A RICO Action opens the door to federal court according to a Michigan Workers' Compensation case.

The matter involved *Brown, et al vs. Cassens Transport Co. et al*, wherein an injured worker alleged that the employer, compensation carrier and panel physician used mail and wire fraud in violation of the Racketeer Influenced and Corrupt Organizations Act (RICO) to deny workers' compensation benefits under Michigan's Workers' Compensation Act.

We advise all of our union members that if they feel they are being treated as a second class citizen under the Workers' Compensation Act, either by panel physicians or an "Independent Medical Examiner", who is hired by the employer or carrier, they should contact us for possible litigation.

In the union contract, there might be the opportunity to negotiate an appropriate panel of physicians who are not only caring but legitimate in helping people return to work after appropriate medical care and treatment for a work-related event or impairment.

The case *PLRB vs. Woodland Hills School District* specifically made available the opportunity for public employees as part of a bargaining unit to negotiate a panel of physicians in the context of the Pennsylvania Workers' Compensation Act. We would assist in formulating a panel for any union that wishes to negotiate its workers' compensation panel of physicians.

The ongoing advice of Rothman Gordon is the sooner you notify us, the better for us to monitor your workers' compensation claim from "day one". Further, to ensure that not only have you received the appropriate and proper care and treatment from the panel physician or any other healthcare provider but also that you are not treated like a "second class citizen" and forced to return to work prior to truly having beneficial medical care and treatment.

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