

News Release

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Contact: Al Modugno, 917-414-4569, al.modugno@yahoo.com

OKLAHOMA CIVIL APPEALS COURT RULES IN FAVOR OF EMPLOYER, INSURER IN WORKERS' COMP CASE INVOLVING TREATMENT OF INJURED EMPLOYEE

Decision Affirms Employer's Right to Direct Medical Care In Circumstances Where It Lacks Knowledge of Injury

OKLAHOMA CITY, May 11, 2017 – An Oklahoma civil appeals court ruled in favor of an employer and its insurer in affirming an order by the Oklahoma Workers' Compensation Commission, asserting an employer's right to direct the medical treatment of an injured worker.

The employer and its insurer, represented by the law firm of Adelson, Testan, Brundo, Novell & Jimenez, relied on an initial diagnosis that didn't reveal one of two job-related injuries (involving the shoulder and neck) sustained by a worker that arose from a single incident.

When a subsequent diagnosis revealed the neck injury, the injured worker sought to choose his own physician for related treatment. An administrative law judge ruled in favor of the employee, but that decision was overturned by the Oklahoma Workers' Compensation Commission, which affirmed the employer's right to direct the treatment.

In the case before the appellate court, *Edward E. Bray, petitioner v. Precofacet Houston, LLC, Travelers Indemnity Co. of America and the Oklahoma Workers' Compensation Commission* (Docket #115,209), Hon. Keith Rapp ruled in favor of the employer and its insurer.

"The Bray decision reinforces the Oklahoma legislature's intent that the employer has the right to choose the injured worker's treating physician even when a previously denied injury is found compensable," said Jill Fidelie, managing partner, Adelson, Testan, Brundo, Novell & Jimenez in Oklahoma City.

About Adelson, Testan, Brundo, Novell & Jimenez
Established in 1996, Adelson, Testan, Brundo, Novell & Jimenez (ATB) is a national law firm whose primary focus is the defense of workers' compensation claims, employer's liability and related matters as well as the defense of its clients in personal injury and civil litigation cases. With more than 140 attorneys and other professionals serving the litigation needs of insurance companies, third-party administrators and self-insured employers, ATB has the breadth of resources needed to assess large portfolios of cases, facilitate critical decisions on closure opportunities and provide experienced litigators to follow through on complex matters.

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