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LOIS LITIGATION AND APPEAL TEAMS OBTAIN LIFETIME FRAUD PENALTY AGAINST CLAIMANT



A LOIS Litigation team comprised of Partner Christian Sison and Paralegal Brianna Nicolas obtained a reclassification win for a Hotel client earlier this year. In *L.Q. v W.N.Y.T.S.*, the claimant had been found to have sustained a permanent total disability, entitling her to lifetime indemnity benefits. The Hotel transferred the case for LOIS to provide a different approach, which resulted in using surveillance to argue that the claimant was no longer suffering from the permanent total disability.

In that same case, the LOIS Litigation team also pursued fraud based on the surveillance, but the Law Judge rejected this application. Knowing that the claimant would appeal the reclassification finding, Christian and Brianna recommended an aggressive approach to

appeal the fraud decision. Working with LOIS Senior Associate Addison O'Donnell to write the perfect brief, the Hotel client was rewarded by LOIS' creativity when the reclassification finding was reversed, because the fraud finding was also reversed!

A Panel of the Review Division found that LOIS correctly applied the fraud statute when the claimant was surveilled performing yard work but also magnifying her symptoms by using a rolling walker to attend medical appointments. The Panel dutifully cited that the claimant embellished the degree of her disability, which led to a treating physician absurdly recommending that the Hotel pay for the claimant's daughter to act as a home health aide. The Panel found this behavior to be egregious, eliminating all future indemnity exposure for the Hotel.



Christian Sison

201.880.7213
csison@loisllc.com