

NC Workers' Compensation Update: Court of Appeals' First Appellate Decision

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Update Regarding North Carolina Court of Appeals' First Appellate Decision on Extended Benefits Beyond 500 Weeks

In the last few weeks, the North Carolina Court of Appeals issued (the MGC update can be found [here](#)) and then quickly withdrew (the MGC update can be found [here](#)) its precedential ruling in *Sturdivant v. NC Department of Public Safety* (COA22-421), which set the standard for assessing extended TTD benefits claims wherein the claimant is seeking compensation past 500 weeks. The Court did not provide an explanation for its withdrawal of the original decision. They have now re-issued an amended decision in the case.

Review of the amended decision shows that no changes were made to the actual holdings in the case. Therefore, the Court's ruling on handling extended TTD benefits cases has not changed—the standard for establishing disability is the same both prior to and after 500 weeks. The traditional Russell factors will remain the standard for assessing disability, even beyond 500 weeks. A claimant seeking extended benefits is not entitled to a presumption of disability when seeking benefits beyond 500 weeks.

The case remains one of first impression. MGC will continue to provide updates as to whether it is appealed further. Please do not hesitate to [contact](#) one of our North Carolina worker's compensation attorneys with any questions or concerns.

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