

NC Workers' Compensation Update

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Parsons Presumption Extends to Additional Medical Treatment in Workers' Compensation Cases

Wilkes v. City of Greenville (Filed on June 9, 2017)

The Supreme Court of North Carolina recently rendered an important decision regarding additional medical treatment in workers' compensation cases. The Court ultimately held that when a carrier/employer admits liability in a case, the Claimant is given a presumption that any subsequent injuries or conditions for which treatment is sought are causally-related to the original accident or injury. This decision may have substantial impact on how claims are handled – and whether certain medical compensation may be owed in a particular case.

The Plaintiff in this case was a landscaping worker employed by City of Greenville who was involved in a motor vehicle accident. The Defendants filed a Form 60 accepting injuries to the Plaintiff's ribs, neck, legs and left side as compensable. The Plaintiff sought additional treatment for anxiety and depression that he claimed was related to his compensable injury. The Defendants denied that the anxiety and depression were related to the work injuries. There was conflicting medical testimony on this issue.

The Supreme Court of North Carolina ruled that the Claimant was entitled to a presumption that the treatment for anxiety and depression were caused by the work injury. The Court concluded that **the *Parsons* presumption extends to additional injuries or conditions for which a Claimant seeks medical treatment, regardless of whether those conditions were enumerated as being admittedly compensable by the Defendants on a Form 60 or other pleading.** Once a carrier admits liability, the presumption attaches to any subsequent injury or condition that the Plaintiff contends was caused or aggravated by the workplace accident. The burden shifts to the Defendants to rebut this presumption of causation.

The Court was silent on how much evidence is needed to rebut the presumption, leaving that determination (in this case) to the Commission on remand.

For the full text of the case, click [here](#).

For questions or more information, please contact one of [MGC's attorneys](#).

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