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Workers' Compensation 593-049
Fall Semester 2006

UNM School of Law
Final Examination
Two Credit Course

Professor G. Griego
Wednesday, December 06, 2006
9:00 a.m.–11:00 a.m. (120 min.)

Examination Format
Essay Answers

1. **Laptop** computer users: Start the Securexam program entering your examination number, course name, professor's name, & date of examination. Click "proceed" to enter the program. Type START in the next window that is displayed but do NOT press the enter key until the proctor says to begin the exam.

2. **Bluebooks** for writing: write on every-other line and only on the front page of each sheet. On the front of bluebook record the class name, professor's name, date of exam, and your examination number. Make sure to number each bluebook in order. DO NOT WRITE YOUR NAME ON BLUEBOOKS.

A five-minute warning will be given prior to the conclusion of the examination. When time is called, stop immediately. If you are handwriting, lay down your pen & close bluebook immediately. If using a laptop, save & exit the program.

Go to the exam check-in table at the conclusion of the exam & fill out an examination receipt.

Professor's Instructions

This is a closed book, closed note exam. Each of the four questions is weighted equally for the exam outcome.

Question 1

Angelo, Bob and Charlene are interns for the Santa Fe Shirt Company. Angelo receives a paycheck, Bob has been promised a full time job in the future, and Charlene is provided room and board. Unknown to Bob and Angelo, Charlene owns part of Santa Fe Shirt Company as a gift from her grandfather.

After normal business hours, the interns conduct a tour of the shirt making plant. Angelo trips on an electrical cord, falls, and injures his back. Bob and Charlene pick up Angelo, and carry him to his car which is parked on the street. While depositing Angelo in his car, Bob slips and falls and injures his back. Charlene drives Bob and Angelo to the hospital. While on the way, Charlene is involved in a motor vehicle accident resulting in injury to her.

Eventually all three interns arrive at the hospital. As a result of malpractice, Angelo receives surgery for appendicitis. Bob is x-rayed, and suffers radiation sickness. Charlene refuses care, leaves the hospital, and is run over by a truck owned by Santa Fe Shirt Company.

Angelo, Bob and Charlene consult you regarding their entitlement to workers' compensation. What do you advise and why.

Question 2

Dorothy is injured in an accident in the workplace. Her accident is immediately observed by co-employees. A co-employee tries to find notice of accident forms and discovers that none are available in the workplace. After twenty one days Dorothy tells her supervisor that she needs to take sick leave. Forty days after the accident a co-employee of Dorothy gossips about the accident with a supervisor at work. Fifty nine days after the accident Dorothy submits written notice of accident to her supervisor.

You are retained by Old Reliable Insurance Company to defend against Dorothy's claim for workers' compensation. What is your analysis regarding notice of accident?

Question 3

Edward suffered a workplace accident. Edward became unable to do his original job. Edward's boss offered Edward different work which Edward could do. The new job was sorting nuts and bolts while Edward is seated. After a few weeks Edward begins to develop back pain which limits the amount of sitting that Edward can do. Edward cuts back his work hours which then results in a smaller paycheck than that earned before the accident. Edward's boss eventually informs Edward that the light duty job has exhausted the supply of nuts and bolts that need to be sorted, and no more work is available.

Edward finds a new job that he is able to do. The new job pays a lower hourly rate than the job where Edward suffered his accident, but offers considerable overtime, which results in a bigger paycheck.

Edward is eventually told by his doctor that no more medical treatment is available to treat his injuries. Two months later Edward is fired when it is discovered that he is embezzling funds from his new employer. Edward is jailed for embezzlement.

Analyze Edward's entitlement to weekly workers' compensation benefits.

Question 4

Mary is in a workplace accident. She informs her employer. The employer tells Mary to pick a physician. Mary does not know any physicians and asks her employer for suggestions. The employer suggests several names.

Mary goes to the emergency room and is treated. The emergency room refers Mary to another physician for extended treatment. Mary sees the new physician several times. Mary becomes dissatisfied with the new physician and begins care with a chiropractor. The chiropractor refers Mary to a physician whose license is under suspension.

Sixty days after the accident the workers' compensation insurer sends a notice of change of health care provider to Mary. The notice refers Mary to a physician located 200 miles from Mary's home.

Mary does not want to see the distant health care provider. What is your analysis and counsel?