

**THE MONTH IN PENNSYLVANIA WORKERS' COMPENSATION:  
SEPTEMBER 2012 AT A GLANCE  
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**VOCATIONAL/ NOTICE OF ABILITY TO RETURN TO WORK (LIBC-757)**

- Section 306(b) (3) requires that Notice encompassed by the issuance of the Notice of Ability to Return to Work (LIBC-757) must be issued, “if the insurer receives medical evidence that the claimant is able to return to work in any capacity . . . .” The employer was not required to issue LIBC-757 where the Employer received the new medical information from Claimant herself. To mandate Employer to provide Claimant Notice when it was Claimant herself who furnished Employer the information in no way serves the purpose of the notice requirement or Claimant’ s obligation to return to work.

The court adopts a practicable application of the law, especially under these circumstances where the claimant enjoys a superior position to control timely notice.

Therefore the employer was not required to issue a second LIBC-757 where on February 2, 2009, Claimant’s own physician determined that Claimant was capable of performing light-duty work and at the March 11, 2009 hearing, Claimant’ s counsel admitted to receiving the physicians report and forwarding it to Employer’ s counsel.

- The purpose of the notice requirement encompassed by the issuance of the Notice of Ability to Return to Work (LIBC-757) is to require the employer to share new medical information about a claimant’ s physical capacity to work and its possible impact on existing benefits.

*Smith v. WCAB (Caring Companions, Inc.) No. 417 C.D. 2012 (Decision by Judge Covey, September 17, 2012) 9/12*