

Worker's Current Symptoms Were Causally Linked to Prior Neck Injury.



Worker was hit by the bucket of a backhoe being operated by a co-worker and knocked to the ground. He was wearing his hard hat and felt he could “shake it off” and continue working so he did. He reported the incident to his employer which he believed met his obligations under Workers’ Comp. He believed that workers’ comp benefits were only for those who couldn’t work and he could work so he didn’t initially pursue benefits. He had intermittent stiffness and pain in the neck over the next year but didn’t report this until he saw his physician for a hip ailment over a year later and mentioned the periodic neck problems. Then several years later a very bad flare up of neck pain caused a subsequent physician to order an x-ray which revealed narrowing. The physician determined there was nerve damage attributable to the prior neck injury. The worker was awarded workers’ compensation and the employer appealed. A tribunal found that the medical evidence demonstrated it was as likely as not that the injury was work-related, attributable to the back hoe incident, and that the current symptoms years later were progressive injury linked to that initial incident. Thus the employer’s appeal was denied