

CHALLENGE:

An employee sustained left medial ankle and foot injury during his employment. At the time of injury, claimant was noted to be an insulin-dependent diabetic. A diagnosis of contusion to the left ankle and toe was made after an x-ray revealed no fracture. Client denied workers' compensation injury. During treatment, claimant's uncontrolled diabetes resulted in below knee amputation. 9 months post-amputation, patient sought care from a new physician who opined that *'in his professional opinion, there was a direct correlation between the traumatic injury he suffered and the below knee amputation'*. Client affirmed denial and requested \$0 MSA. Total potential MSA exposure = **\$169,053**.

Legal Zero MSA Case Study

SOLUTION:

Tower's legal team worked with defense attorney and client to prepare the Legal Zero MSA by providing evidence as follows:

- Claim was denied in its' entirety.
- No payments for medical or indemnity have been made. Please see "zero" payout.
- Formal denial was filed to the North Carolina Industrial Commission stating that the claim is denied as the medical records received thus far do not substantiate relationship of any injury on 06/25/2014 to his complaints. Plaintiff did not develop an occupational disease within the meaning of the workers' compensation act and there is insufficient medical evidence to substantiate the existence of compensable occupational disease. Plaintiff's condition appears to be pre-existing and unrelated to any work injury or activity.
- Medical records provided by Plaintiff's counsel indicate treatment for a severe diabetic condition dating prior to the 06/25/2014 alleged injury.

RESULTS: \$169,053 IN SAVINGS

In its review of the evidence provided by Tower's legal team, CMS concurred with the evidence provided as proof of no liability and the Legal Zero MSA was approved in full by CMS. Savings achieved for client totaled **\$169,053**.

