



JUGE NAPOLITANO

GUILBEAU RULI FRIEMAN APLC

**Craig Morvant v. St. James Stevedoring, LLC**

This case was set to go to formal hearing on the issue of average weekly wage. The claimant had a definite injury and permanent restrictions assigned to his back that prevented him from returning to his former duties.

The claimant had worked only a brief period for the employer and those earnings were arguably not reflective of his earning capacity. According to the Social Security Earnings records obtained by the defense, the claimant had not had any reported earnings for several years prior to the year of the accident. The claimant obtained an affidavit from a local auto repair shop stating that he earned \$600 a week on average for several years.

At a pre-formal hearing conference with the ALJ, the Judge stated that he would not be inclined to consider earnings that were not actually reported to the federal government. The claimant and his counsel thereafter stipulated to the average weekly wage suggested by the defense, the formal hearing was avoided, and the case later settled favorably.