



JUGE NAPOLITANO

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Lawrence Wilson v. Sanderson Farms, Inc., OWC No. 20-02282, District 06, Honorable Judge Diane Lundeen (06/18/21)

In this State of Louisiana workers' compensation claim, the employee was a Floor Man for Sanderson Farms. As he was wrapping plastic around a box containing chicken parts, he struck his right eye with a metal pole. The accident caused an immediate "injury" to the employee's right eye, which was visible to the plant nurse. Later that day, the employee was sent for medical treatment and was diagnosed with a traumatic injury to his eye. After the initial treatment, the employee was referred to an a retinal specialist (ophthalmologist) for further evaluation. The ophthalmologist initially believed the loss of visual acuity was related to the accident, however, he did not observe any damage to the eye that could account for the loss of vision. Consequently, further testing was performed. Throughout this period, because the emergency room physician took the employee off of work pending release by a specialist, Sanderson Farms voluntarily paid indemnity benefits and authorized recommended medical treatment. The testing included a brain MRI, which suggested a potential autoimmune disorder, including multiple sclerosis. The employee then was examined by and treated with a neurologist, who confirmed the diagnosis of multiple sclerosis. Both the treating ophthalmologist and neurologist testified that one of the classic symptoms of multiple sclerosis is the loss of vision, including potential damage to the optic nerve. While both physicians agreed that there could be damage to the optic nerve in this instance, this never was confirmed medically. As a result, the treating ophthalmologist opined that the employee's loss of visual acuity was not related to the work accident. Neither the treating ophthalmologist nor neurologist ever disabled the employee or assigned a permanent partial impairment rating. Based on this opinion, Sanderson Farms terminated the employee's indemnity benefits.

Three issues were presented for determination at trial: (1) whether the employee's work accident caused the vision loss in his right eye, (2) whether the employee was entitled to permanent partial disability benefits as a result of the work accident, and (3) whether the employee was entitled to penalties and attorney fees as a result of Sanderson Farms' termination of indemnity benefits. With regard to the first issue, the Workers' Compensation Judge found that while the employee clearly experienced a work accident resulting in an injury, the treating ophthalmologist (whose opinion she weighed more heavily than the neurologist's opinion) opined that the loss of vision more likely than not was caused by the employee's multiple sclerosis and not the work accident. Therefore, the Workers' Compensation Judge ruled that the accident did not cause a loss of vision to the eye. With regard to the second issue, the Workers' Compensation Judge ruled that in order for permanent partial disability benefits to be awarded, the employee had the burden of proof to demonstrate that he was assigned an impairment rating pursuant to the American Medical Association's "Guides to the Evaluation of Permanent Impairment." Moreover, the Workers' Compensation Judge cited the applicable law confirming that the statute does not permit the use of lay testimony in determining the percent disability. Because the employee failed to offer any evidence of a permanent partial disability, his claim for permanent partial disability benefits was denied. Finally, with regard to the third issue, the Workers' Compensation Judge ruled that Sanderson Farms relied upon the medical evidence that the employee's ongoing problems were not caused by the work accident. Further, no physician disabled the employee as a result of his vision loss at the time the benefits were terminated. Therefore, the Worker's Compensation Judge ruled that Sanderson Farms reasonably controverted this claim. Please note that the time delay for appealing this decision has not lapsed.

