









In The News


VERDICTS AND SETTLEMENTS



The plaintiff was a welder in his 30's who was fired while receiving treatment for a work related injury. He sued for workers' compensation retaliation. The plaintiff began working for the defendant in 1984 and eventually became a welder. During his employment he injured both shoulders. In September 1996 he missed three weeks of work for treatment of his shoulders, and then returned to work with a restriction.


Over the next several months, he missed occasional days for treatment of his shoulders. After being fully released to return to work, he missed Nov. 11 and Nov. 12 and was fired when he arrived at work Nov. 13.



The defendant claimed he showed up on Nov. 13 to pick up his pay check, not to work, and said it fired him because he violated a company policy that workers are permitted to miss only two days in a month without a written excuse.





But the plaintiff claimed he showed up on Nov. 13 to work, and contended the defendant fired him because it considered him to be damaged goods after a dozen years of hard labor and because he was likely to miss up to a year of work for upcoming shoulder surgery. He claimed the company violated several of its policies in firing him. He said he met the company's notification requirements on Nov. 11 and Nov. 12 by telephoning to inform the company that he was unable to work, and he denied that the company required a written excuse from employees receiving treatment for work-related injuries.



He also said the company was not permitted to fire him under its agreement with the plaintiff's union because he had missed just two consecutive days. He also claimed that the company had a de facto policy of giving every employee a second chance after violating attendance rules.

After he was fired, the plaintiff underwent rotator cuff surgery on both shoulders. The jury awarded the plaintiff \$20,360 on his lost wages and \$109,250 in punitive damages.



Type of Action: Workers' compensation retaliation

Type of Injuries: Lost wages and benefits, emotional distress

Court/Case Number/Date: Jackson County Circuit

Court/99CV214910/Jan. 28, 2000

Caption: Bryant v. Continental Steel and Conveyor of Kansas City Inc.

Judge, Jury, or ADR: Jury

Name of Judge: Lee E. Wells

Special Damages Claimed: \$20,360 past lost wages

Verdict or Settlement: \$129,610 verdict

Allocation of Fault: N/A

Last Offer: \$10,000

Attorneys for Plaintiff: Brendan J. Donelon and Michael R.

Fletcher, Kansas City

Insurance Carrier: N/A

Plaintiff Experts: None

Defendant's Expert: Bud Langston, Topeka, Kansas (vocational expert)

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