



News Release
November 2015

*CARRAWAY SUCCESSFULLY DEFENDS
CLIENT AGAINST SANCTIONS*

Attorney Timothy P. Carraway successfully defended a self-insured municipality against sanctions for the alleged unreasonable denial of an injured employee's workers' compensation claim.

In April 2014 an employee was riding on the rear of a garbage collection truck when that truck was involved in a minor collision with another vehicle. After thoroughly investigating the claim, the employer challenged the employee's claims that he was struck in the back by the other vehicle's side mirror while standing on an elevated platform. Measurements taken based on the employee's statements demonstrated that the side mirror in question would have had to have been almost 6 feet off the ground to strike the employee in the back – an impossibility based on the size of the other vehicle. The employer also challenged the employee's description of the collision, which was wholly inconsistent with the police report, due to the lack of damages evidenced at the scene.

Following a bifurcated hearing to determine whether a collision between the vehicles actually occurred, counsel for the employee moved for sanctions against the employer pursuant to N.C.G.S. §97-88.1 alleging that the denial of the employee's claim was unreasonable. In October 2015 the Deputy Commissioner denied counsel's motion holding that the denial of the claim was reasonable and that the evidence supported the employer's concerns in light of its thorough investigation, photographs taken at the scene, and the employee's conflicting account of how his injuries and the collision occurred.

Mr. Carraway cites this recent holding to emphasize to employers throughout North Carolina of the importance of conducting a thorough post-accident investigation. To avoid the common pitfalls associated with the typical "he said - she said" testimony in litigation, Mr. Carraway recommends obtaining photographs and witness statements as soon as possible after an injury or accident has occurred.

For further information regarding the imposition of sanctions and how to improve your post-accident investigation procedures, as well as a variety of other workers' compensation issues, contact attorney Timothy P. Carraway. Mr. Carraway is in the Raleigh office of Cauley Pridgen, P.A.

Cauley Pridgen, P.A. traces its history back to the 1940s and limits its practice to matters related to business, government and land. The firm's lawyers have extensive experience in the representation of local governments and elected officials.

For more information,
contact the firm or visit our website,
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