

Introduction to the September 2026 Edition

The September 2026 Edition of *Modern Workers Compensation* includes a complete update of existing sections. A few highlights are:

- The exclusivity clause of the Kentucky workers' compensation statute did not preclude negligence and products liability action brought by estate of daughter of worker at electrical parts manufacturing facility based on daughter's alleged exposure to asbestos fibers on her father's clothing after he returned from work, which allegedly caused her to develop mesothelioma. § 102:1
- Subcontractor who employed worker who was injured as he stepped around pile of debris at construction site was not liable to general contractor and others for common-law indemnification and contribution, where worker did not suffer type of grave injury enumerated in provision of Workers' Compensation Law governing alternative remedies. § 108:3
- Substantial evidence supported Workers' Compensation Board's decision that brick mason sustained occupational disease to his hands, wrists, and knees bilaterally, as required for benefits, even though employer and workers' compensation carrier presented conflicting medical opinion. § 109:10
- Under the "going and coming" rule as applied in the context of workers' compensation, workers' compensation does not ordinarily compensate injuries sustained while the employee travels to or from work; an employee is generally not considered to be acting within the scope of the employment when going to or coming from the employee's regular place of work. § 111:1
- The Compensation Review Board applied the correct legal standard in evaluating university hospital employee's claim for temporary total disability benefits as the employee had a chronic medical condition, the latest manifestation of which had allegedly rendered her totally disabled, and Board correctly evaluated whether employee could return to her "usual job" by reference to her job duties as they existed when her most recent symptoms gave rise to her disability claim, rather than as they existed years earlier when she first sought treatment. § 200:10
- The Pennsylvania Workers' Compensation Act's notice provision does not require an injured claimant who is the sole employee and owner of a business to notify the insurer of a work-related injury within 120 days in order to be eligible for compensation. § 303:1