



October 21, 2020

E-NEWSLETTER

Important decision by Supreme Court of Virginia in *City of Alexandria Public Schools v. Handel* regarding the definition of “injury” under the Act

Supreme Court agrees with arguments set forth in amici curiae brief prepared by Whitt & Del Bueno

On October 15, 2020, the Supreme Court of Virginia issued a published opinion in *City of Alexandria Public Schools v. Handel*, in which the Court corrected what they deemed to be an error by the Court of Appeals. In *Alexandria City Pub. Schs. v. Handel*, 70 Va. App. 349, 352 (2019), the Court of Appeals had held that a claimant need only prove *one* sudden, obvious mechanical or structural change that occurs as a result of a work accident. They held that for all other claimed body parts, a claimant only needs to prove an “injury.” This ruling was a departure from established case law regarding what evidence is needed to prove compensable injuries. This decision by the Court of Appeals also appeared to expand the definition of “injury” by stating that it is not limited to the standard “sudden, obvious mechanical or structural change” definition, which, if left intact, would have exposed employers to additional liability.

As argued by our firm in the *amici curiae* brief before the Supreme Court of Virginia, the Commission and appellate courts had previously required the claimant to prove a sudden, obvious mechanical or structural change for *every* body part alleged to have been injured in the accident. We asserted that this should remain the legal standard. In their significant October 15, 2020 decision, the Supreme Court agreed. The Court vacated the Court of Appeals’ judgment, remanded the matter back to the Court of Appeals, and directed the Court of Appeals to apply the correct legal standard.

FIRM NEWS

On September 1, 2020, Whitt & Del Bueno celebrated twenty years of providing legal services to employers and carriers. We are grateful for the relationships we have formed over the years with our clients.

Jacob Perkinson was recently named Vice Chair of the Workers’ Compensation Section of the Virginia Association of Defense Attorneys.

Ralph Whitt was selected as Lawyer of the Year for 2021 by Best Lawyers in the category of Workers’ Compensation Law-Employers.

