

# Quadriplegic appeals workers' comp pay

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By George Strawley, The Associated Press

HARRISBURG -- A man rendered a quadriplegic as a result of a workplace accident after three months on the job full time is fighting in the state Supreme Court to have his workers' compensation restored to a higher level.

Charles Snyder Jr., whose case was heard by the state's highest court Tuesday, saw his benefits reduced because of part-time work he performed while still in high school.

Snyder, of Quakertown, was 19 years old when he was pinned beneath a forklift in a 1996 accident. Snyder, who lost the use of both his legs and the partial use of one arm in the accident, had been on the job full time for about three months.

Snyder's workers' compensation was calculated based on his average weekly wage for months he worked full time for Hanaberry Heating, Ventilation and Air Conditioning. The figure came to \$474, which would have translated into a weekly compensation rate of \$316.

A Commonwealth Court panel ruled, however, that his wages from when he worked for the same company on a part-time basis, while he was still in high school, should be included in the equation. Those salaries, which dipped as low as \$57.25 a week, reduced Snyder's average salary and brought his compensation rate down to \$207 a week.

"If allowed to stand, the court's decision will add the insult of a lifetime of part-time compensation to Charles' injury of permanent, irreparable quadriplegia," Snyder's attorney, Kurt E. Clawson, argued in a brief filed in the case.

Snyder filed his appeal against Hanaberry and its insurer, Donegal Mutual Insurance Cos.

The state Legislature amended the state workers' compensation law in the same month that Snyder graduated from high school.

The revised law was meant to make it tougher for a worker whose wages varied -- such as one who earned large amounts of overtime -- to collect workers' compensation at a peak wage by subjecting such a worker to an averaging of wages over three quarters, Clawson said.

Clawson told the justices Tuesday that Snyder's circumstances were vastly different. "The simple truth is the Legislature did not consider this situation," Clawson said.

But an attorney for the company and its insurer said reversing the lower court's decision would lead to higher payments to other workers who don't deserve them.