

Richard Bowman
Proof of Claim No. CLMN376469-01
Gross Amount of Claim: \$795,408.23

1. In 1994, Richard Bowman was employed as an assembler at Lynn Ladder & Scaffolding Co., Inc.

2. On or about August 9, 1994, Plaintiff suffered a severe and disabling back injury while working at Lynn Ladder.

3. Plaintiff received total disability workers' compensation benefits for the period between August 10, 1994 and April 16, 1995, pursuant to a Notice of Compensation Payable dated September 13, 1994. Pursuant to the Notice of Compensation Payable, Plaintiff is entitled to \$247.50 per week based on an average weekly wage of \$303.46.

4. Plaintiff's workers' compensation benefits were provided through The Home Insurance Company, the workers' compensation insurance carrier for Plaintiff's employer, Lynn Ladder.

5. Plaintiff returned to work at Lynn Ladder on April 17, 1995 on modified duty due to the residuals of the work-related injury of August 9, 1994.

6. Richard Bowman entered into a Supplemental Agreement with Lynn Ladder and The Home Insurance Company suspending his weekly compensation benefits as of April 17, 1995. Plaintiff remained entitled to medical benefits for the August 9, 1994 injury pursuant to the Workers' Compensation Act.

7. On May 15, 1995, Richard Bowman was laid off from his job at Lynn Ladder. The layoff became permanent on June 6, 1995 and Mr. Bowman was terminated from employment.

8. Mr. Bowman remained on modified duty at the time of his layoff and termination from Lynn Ladder. At that time, he had not fully recovered from his work injury of August 9, 1994 and remained disabled from that injury.

9. At the time of Mr. Bowman's layoff, he was on suspension status and not on termination status.

10. Mr. Bowman remained disabled from gainful employment since May 1995 and is entitled to ongoing disability benefits.

11. With the exception of a two-week period where Mr. Bowman attempted a part-time job, he has earned no wages since May 1995. The loss of earnings is the result of Mr. Bowman's work injury.

12. Under the Pennsylvania Workers' Compensation Act and the April 19, 1995 Supplemental Agreement, Mr. Bowman was entitled to reinstatement of his workers' compensation benefits for the August 9, 1994 when he was laid off and then terminated from his job at Lynn Ladder.

13. Mr. Bowman is entitled to a reinstatement of benefits from the time of his layoff in May 1995 through present and continuing. He is also entitled to ongoing medical benefits as the Supplemental Agreement reflects a "suspension" which entitles Mr. Bowman to ongoing benefits. His workers' compensation medical benefits were never terminated.

14. Although Claimant would have been entitled to reinstatement of indemnity benefits as of May, 1995, Claimant's former attorney did not file a Reinstatement Petition and, therefore, Claimant has not received indemnity benefits.

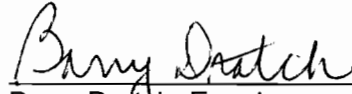
15. Claimant has received no indemnity benefits from the Pennsylvania Workers' Compensation Security Fund.

16. A copy of Plaintiff's treating records are attached to document his ongoing disability and need for medical treatment.

17. In accordance with Pennsylvania Workers' Compensation law, when an employee returns to work with the same employer at a lighter duty job and the lighter duty job is eliminated due to economic conditions resulting in employee's layoff, benefits for total disability must be paid

to the employee in the absence of additional proof of work availability. Plaintiff is entitled to reinstatement of total disability benefits. Smith v. WCAB (SFTURA Industries), 471 A.2d 1304, Pa.Cmwlt. 1984, Bethlehem Steel v. WCAB (Laubach), 760 A.2d 378, Pa.Cmwlt. 2000.

Respectfully submitted,



Barry Dratch, Esquire
Counsel for Richard Bowman

Raymond J. Kraynak, D.O.

ADULT & PEDIATRIC MEDICINE

28 EAST FIFTH STREET • MOUNT CARMEL, PENNSYLVANIA 17851 • TELEPHONE (570) 339-5754

June 2, 2005

Inservco Insurance Services, Inc.
P.O. Box 3899
Harrisburg, PA 17105-3899

ATTN: Theresa Orendi

RE: Richard Bowman
Claim # 1850144231

Dear Ms. Orendi:

Mr. Bowman has been under my care for work-related injuries occurring on 8/9/94. He has a history of a herniated L4-5 disc. He underwent surgery at Geisinger Medical Center. After being off work approximately nine months, he had returned to work. He was at work approximately six weeks when he was laid off. At the time he was laid off, he still had ongoing complaints of pain in his lumbar spine, and was being actively treated. Mr. Bowman's condition has worsened. He has not worked since that time. His work-related injury has progressed into spinal stenosis, as well as degenerative arthritis. Because of the sedentary he is forced into due to his work-related injury, he has gained a great deal of weight and currently weighs in excess of 375 pounds. The work-related injuries would be as follows; herniated L4-5 disc, lumbosacral sprain and strain, work-related spinal stenosis, work-related degenerative arthritis.

Nonmedical conditions from which Mr. Bowman suffers include allergies, occasional urinary tract infections, ear infection x2.

I do not anticipate any of the above-mentioned conditions having any effect on Mr. Bowman's life expectancy.

If you have any questions in regard to this, feel free to contact me.

Sincerely,


Raymond J. Kraynak, D.O.

RJK/ar

*Raymond J. Kraynak, D.O.
Adult & Pediatric Medicine
28 East Fifth Street Mount Carmel, Pennsylvania 17851 (570)-339-5754*

March 9, 2009

Attorney Barry L. Gross
Stief, Gross, Sagoskin, Gilman & Classetti
547 East Washington Avenue
P.O. Box 274
Newtown, PA 18490-0274

RE: Richard Bowman
DOB: 7/26/54
DOA: 8/9/94

Dear Attorney Gross:

As you know, Richard Bowman has been under my care for treatment of injuries sustained on 8/9/94. He had been off work because of his injuries. He returned to work in April of 1995, light duty. He worked 3-4 weeks before he was permanently laid off.

Mr. Bowman suffers from continued and severe pain in his lumbar spine. Flexion of the lumbar spine is 45°; extension, 10°; side bending, 10°, right and left. Current medications are Vicodan ES, i QID, as well as Motrin 800mg, TID.

He has a history of previous back surgery in 1989. He still has severe spasm and decreased ROM. He has to sit, stand, lay and change positions as needed. He is unable to work. His condition is totally and permanently disabling. He, very well, may need surgery in the future. He will need ongoing physical therapy.

The above are stated to a reasonable degree of medical certainty. If you have any questions in regards to this, feel free to contact me.

Sincerely,


Raymond J. Kraynak, D.O.

RJK/mak