

Employer • Alert

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CONNECTICUT SUPREME COURT ENDS HEALTH INSURANCE CONTINUATION FOR SURVIVING DEPENDENTS IN PUBLIC SECTOR WORKERS' COMPENSATION CASES

Under the Workers' Compensation Act ("WCA"), Connecticut's public sector employers have been required to maintain a claimant's health insurance benefits during the time the claimant is receiving indemnification benefits (i.e. the typical weekly benefits for temporary total or permanent partial disability). This provision of the WCA, Conn. Gen. Stat. § 31-284b, has been limited in application to the public sector for many years based on a ruling of the U.S. Supreme Court¹. However, public sector employers had been required to continue providing health insurance benefits to injured employees in WCA cases. That is, until the Connecticut Supreme Court issued its decision in *Vincent v. City of New Haven, et al.* (Connecticut Law Journal, March 11, 2008).

In *Vincent*, a police officer suffered a heart attack in 1990, and the City of New Haven accepted his claim for benefits under the state's Heart and Hypertension Act. Thereafter, when the officer died in 1991 as a result of his heart injury, the City also accepted his sole surviving dependent's claim for benefits under Conn. Gen. Stats. § 31-306, the so-called "death benefits" provision of the WCA. The City paid the burial costs benefit called for under that section and also began paying weekly compensation benefits to the claimant's widow. However, the City refused to continue providing the widow with health insurance coverage, although following her husband's heart attack it had continued his health insurance coverage, which at that time included coverage for his spouse. The City took the position that its obligation to continue health insurance under § 31-284b terminated upon the officer's death. The Connecticut Supreme Court has now agreed.

¹ The U.S. Supreme Court's decision in *District of Columbia v. Greater Washington Board of Trade*, a case involving preemption under ERISA, impacted Connecticut as well, leading to the conclusion that § 31-284b was also preempted by federal law, but only with regard to private sector employers.



Although the widow argued that the language of § 31-284b is ambiguous, and that the provision should be construed in her favor in light of the remedial purpose of the WCA, the Court concluded otherwise. The Court noted that the language of § 31-284b is directed toward providing an “employee” with equivalent insurance coverage while the employee is receiving WCA indemnification benefits, but contains no reference to *deceased* employees or their surviving dependents. In contrast, the Court observed that § 31-306 does pertain to surviving dependents, but it does not mention health insurance. Therefore, the widow’s arguments found no support in the actual statutory language. While the Court agreed that the WCA is remedial in nature, and it is clear that this decision leads to a harsh result for the widow, the Court refused to rule contrary to what it found to be the legislature’s intent.

This decision should prove to be valuable to public sector employers faced with surviving dependent claims in WCA cases, as benefits in these situations can be very costly based on the weekly compensation payment alone. However, it will be interesting to see whether or not the legislature will respond to this decision by amending the WCA to allow for health insurance benefits in similar cases.

QUESTIONS OR ASSISTANCE?

If you have any questions about this alert, please contact Saranne Murray at (860) 251-5702 or Henry Zaccardi at (860) 251-5737.

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