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First Responders Prevail in Two Recent NJ Decisions

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So far, 2019 has been a good year for first responders in New Jersey.

In a February 13 decision, the New Jersey Appellate Division held in favor of a County Corrections Officer who suffered a knee injury while climbing stairs to perform an inmate count. The County denied the injury was work-related and the officer was compelled to seek treatment and eventual surgery on his own.

His treating surgeon expressed the opinion that the injury to the knee was caused by the stair climbing. While stair climbing by itself would not have constituted a work-related injury, what was different in this case was that the officer was wearing 25 pounds of equipment, including combat boots as required of his job duties. This equipment created greater stress on his knee, thus making this a work-related injury.

The second “win” came on February 19. Our state Supreme Court ruled that a volunteer firefighter, injured while fighting a fire, was entitled to full temporary disability payments while receiving treatment for the injury. The Fire Department resisted payment of temporary disability in this case because the volunteer suffered no loss of income while under treatment; she did not have a job at the time of the injury. The Department argued that temporary disability should only be paid when a volunteer actually loses income from a job outside the Department.

The Judge of Compensation agreed with this argument and denied payment of temporary disability, as did the Appellate Division. However the New Jersey Supreme Court reversed and awarded her temporary disability.

Among other points made by the Court, the New Jersey Workers Compensation Act provides for payment of workers compensation benefits to volunteers injured during the course of volunteer activities; (this includes not only firefighters but special police officers, etc.) In providing for such benefits the Act made no requirement that the injured volunteer lose income from an outside job.

This Decision was of special interest to me. During the fifteen years during which I taught Workers’ Compensation in Law School, I always included the issue of injured volunteers. The main reason behind providing compensation benefits to volunteers was to both encourage volunteerism and to ensure that those who gave of their skills and time to such volunteer duties were compensated for facing risks while not receiving pay for such duties. I firmly believe that all volunteers need and deserve maximum protection afforded by law.

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