

Court permits challenge to Vermont temp workers comp

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MONTPELIER (AP) — Travelers Indemnity Co. has been given permission by the state Vermont Supreme Court to challenge workers compensation law, but the court threw out appeals on several specific cases.

Travelers sued the Labor and Industry Department and Tasha Wallace, its commissioner during Gov. Howard Dean's administration, arguing that the department was unfair in making decisions on whether temporary workers comp benefits should be paid while disputes were pending over whether a case qualified for such payments.

But a Superior Court judge threw out the case, reasoning that Travelers had not exhausted all of the available administrative appeals.

The insurance company responded that changes in department rules made it impossible to get a court ruling on whether the regulations were being fairly interpreted.

Travelers also said the law denied the company constitutional protections because there were no provisions for an insurer to recoup benefits it had paid before a commissioner determined that the company's initial denial of benefits was appropriate.

Justice John Dooley, writing for the court, said those were issues that rightfully should be decided by a court and he reinstated that portion of the lawsuit.

But he said Travelers needs to go back through the department's appeals procedures before it can resort to court on specific workers comp claims cases. □