



**Nebraska Workers' Compensation Court**

# **Annual Caseload Report**

## **Fiscal Year 2019**

**July 1, 2018 through June 30, 2019**

**Presiding Judge Daniel R. Fridrich**

**Judge James R. Coe**

**Judge J. Michael Fitzgerald**

**Judge John R. Hoffert**

**Judge Thomas E. Stine**

**Judge Julie A. Martin**

**Judge Dirk V. Block**

**Clerk of the Court Elizabeth A. Gianunzio**

**Court Administrator Jill Gradwohl Schroeder**

# Annual Caseload Report, FY 2019



This Annual Caseload Report contains caseload statistics for the Nebraska Workers' Compensation Court, which has jurisdiction over claims alleged to have arisen out of and in the course of employment relationships as well as most issues ancillary to the resolution of an employee's right to workers' compensation benefits. See the Nebraska Workers' Compensation Act found at Neb. Rev. Stat. §§ 48-101 through 48-1,117.

Tasks associated with litigation, such as filings of petitions, motions, and settlements are the focus of this report. The Nebraska Workers' Compensation Court submits an Annual Report to the Chief Justice describing the court's adjudication division activities as well as its regulatory and administrative functions. The Fiscal Year 2019 Annual Report for the Nebraska Workers' Compensation Court is available on its website: <https://www.wcc.ne.gov>.

This publication has been prepared by the Nebraska Workers' Compensation Court. Please contact us with questions or comments about this report, workers' compensation in Nebraska, or any of our programs and services.

Nebraska Workers' Compensation Court  
P.O. Box 98908  
Lincoln, NE 68509-8908  
800-599-5155 or 402-471-6468  
<http://www.wcc.ne.gov>

## Litigation Summary

\* Numbers may differ from those shown in the FY 2018 Annual Report due to adjustments to data.

<sup>1</sup> Fiscal years run July 1 through June 30.

<sup>2</sup> Allegations in an initial petition can be litigated separately upon entry of an order allowing such. This results in a further trial and disposition or settlement on the initial petition.

<sup>3</sup> A decision of a judge of the Nebraska Workers' Compensation Court may be appealed to the Nebraska Court of Appeals. A limited number of appeals may also be heard by the Nebraska Supreme Court, either directly or by further review of a decision by the Nebraska Court of Appeals. Appeals from an order, award, or judgment of the compensation court in any such case are made in accordance with the procedures regulating appeals in actions at law from the district courts, except as otherwise provided in NEB. REV. STAT. §§ 48-182 and 48-185.

<sup>4</sup> Other opinions from the Nebraska Supreme Court or Court of Appeals such as: reversed and remanded; reversed; affirmed in part, reversed in part, and in part remanded; affirmed in part, and in part reversed, and any other variations thereof.

<b>Petitions in Fiscal Year <sup>1</sup></b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018*</b>	<b>2019</b>
Petitions Pending at Beginning of Fiscal Year	1,364	1,331	1,370	1,357	1,357
Petitions Filed in Fiscal Year	1,085	1,103	1,053	1,013	970
Reopened Petitions Filed in Fiscal Year	139	146	121	131	115
Bifurcated Petitions <sup>2</sup>	6	6	7	2	20
<b>Total Petitions</b>	<b>2,594</b>	<b>2,586</b>	<b>2,551</b>	<b>2,503</b>	<b>2,462</b>

### Dispositions of Pending Cases in Fiscal Year

Decisions Issued	167	154	173	140	151
Stipulated Awards	34	31	24	30	23
Lump Sum Settlements Approved	210	173	185	189	207
Releases of Liability Filed	516	523	535	517	510
Voluntary or Summary Dismissals	336	335	277	270	236
<b>Total Dispositions</b>	<b>1,263</b>	<b>1,216</b>	<b>1,194</b>	<b>1,146</b>	<b>1,127</b>
<b>Total Petitions Pending at End of Fiscal Year</b>	<b>1,331</b>	<b>1,370</b>	<b>1,357</b>	<b>1,357</b>	<b>1,335</b>

<b>Motions in Fiscal Year <sup>1</sup></b>	<b>2015*</b>	<b>2016</b>	<b>2017*</b>	<b>2018</b>	<b>2019</b>
Motions Filed	3,376	3,578	3,601	3,664	3,329
Motion Dispositions	2,696	2,598	2,792	2,906	2,537
Motion Hearings	582	657	605	617	526

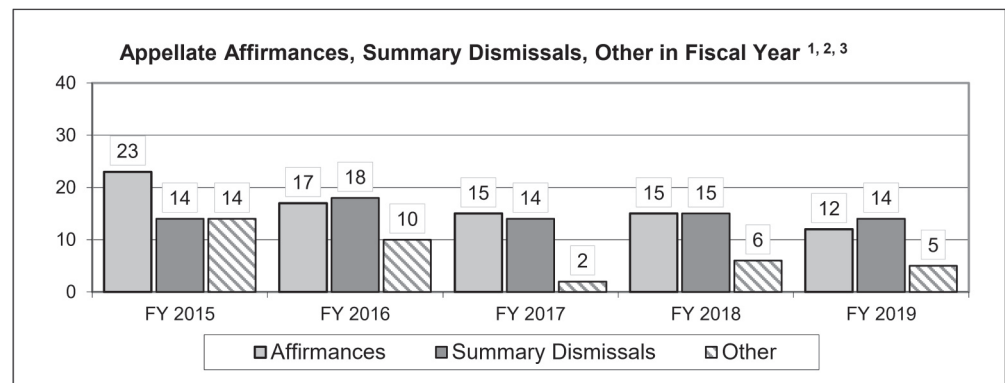
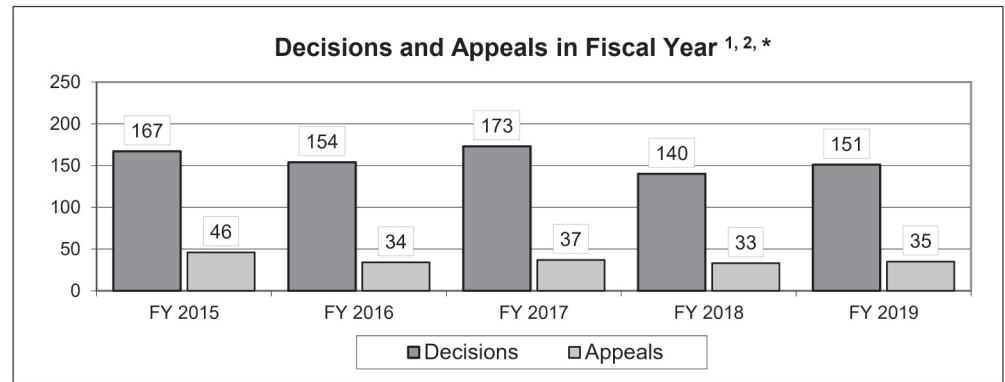
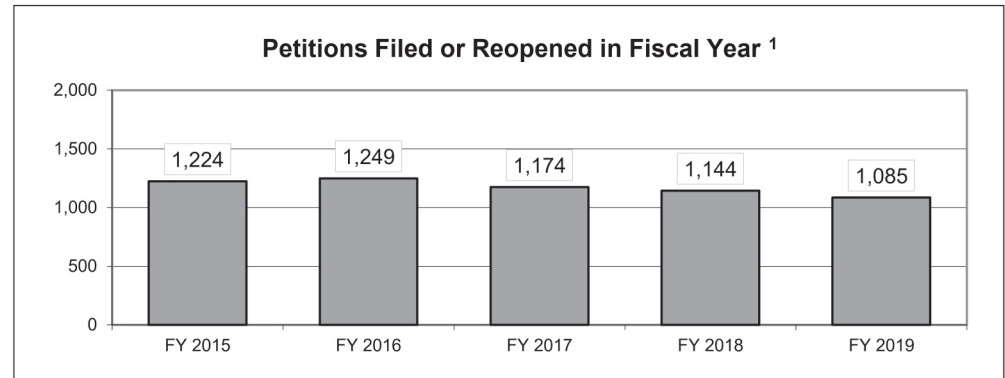
<b>Appeals in Fiscal Year <sup>1, 3</sup></b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Appeals Pending at Beginning of Fiscal Year	32	27	16	22	19
Appeals Filed	46	34	37	33	35
Affirmances by Neb. Supreme Ct. / Ct. Appeals	23	17	15	15	12
Summary Dismissals by Neb. Supreme Ct. / Ct. Appeals	14	18	14	15	14
Other Opinions <sup>4</sup>	14	10	2	6	5
<b>Total Appeals Pending at End of Fiscal Year</b>	<b>27</b>	<b>16</b>	<b>22</b>	<b>19</b>	<b>23</b>

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<sup>1</sup> Fiscal years run July 1 through June 30.

<sup>2</sup> A decision of a judge of the Nebraska Workers' Compensation Court may be appealed to the Nebraska Court of Appeals. A limited number of appeals may also be heard by the Nebraska Supreme Court, either directly or by further review of a decision by the Nebraska Court of Appeals. Appeals from an order, award, or judgment of the compensation court in any such case are made in accordance with the procedures regulating appeals in actions at law from the district courts, except as otherwise provided in NEB. REV. STAT. §§ 48-182 and 48-185.

<sup>3</sup> Other opinions from the Nebraska Supreme Court or Court of Appeals such as: reversed and remanded; reversed; affirmed in part, reversed in part, and in part remanded; affirmed in part, and in part reversed, and any other variations thereof.



## Petitions and Applications to Modify Award by County

Generally, a petition or application to modify is heard in the county in which the accident occurred unless the litigants agree to a different location for the hearing (see NEB. REV. STAT. § 48-177). For that reason, the venue for workers' compensation cases could be in any county in Nebraska.

### Petitions and Applications to Modify Award by County in Fiscal Year

Adams	23	Deuel	0	Johnson	4	Red Willow	2
Antelope	2	Dixon	0	Kearney	4	Richardson	3
Arthur	0	Dodge	30	Keith	6	Rock	0
Banner	0	Douglas	349	Keya Paha	0	Saline	17
Blaine	0	Dundy	1	Kimball	2	Sarpy	43
Boone	0	Fillmore	0	Knox	1	Saunders	11
Box Butte	5	Franklin	0	Lancaster	148	Scottsbluff	20
Boyd	0	Frontier	3	Lincoln	15	Seward	9
Brown	0	Furnas	2	Logan	1	Sheridan	1
Buffalo	22	Gage	15	Loup	0	Sherman	0
Burt	3	Garden	1	Madison	20	Sioux	0
Butler	5	Garfield	2	McPherson	0	Stanton	1
Cass	6	Gosper	0	Merrick	3	Thayer	1
Cedar	1	Grant	0	Morrill	4	Thomas	0
Chase	2	Greeley	0	Nance	1	Thurston	1
Cherry	3	Hall	50	Nemaha	1	Valley	3
Cheyenne	5	Hamilton	6	Nuckolls	4	Washington	5
Clay	3	Harlan	1	Otoe	17	Wayne	5
Colfax	7	Hayes	0	Pawnee	0	Webster	0
Cumming	7	Hitchcock	1	Perkins	0	Wheeler	0
Custer	7	Holt	7	Phelps	3	York	9
Dakota	11	Hooker	0	Pierce	1	Out of State	95
Dawes	3	Howard	0	Platte	16		
Dawson	22	Jefferson	2	Polk	1	<b>TOTAL</b>	<b>1,085</b>

## Settlement Summary

<b>Applications for Lump Sum Settlement in Fiscal Year</b> <sup>1, 2</sup>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Applications Pending at Beginning of Fiscal Year	56	32	59	69	44
Applications Filed in Fiscal Year	844	851	751	687	725
<b>Total Applications</b>	<b>900</b>	<b>883</b>	<b>810</b>	<b>756</b>	<b>769</b>
<b>Dispositions in Fiscal Year</b>					
Applications Approved – No Lawsuit Filed	529	539	459	429	414
Applications Approved – Lawsuit (Past or Pending) Filed	308	254	253	254	278 <sup>3</sup>
Applications – Total Approved	837	793	712	683	692
Applications – Total Disapproved	31	31	29	29	24
<b>Total Dispositions</b>	<b>868</b>	<b>824</b>	<b>741</b>	<b>712</b>	<b>716</b>
<b>Total Applications Pending at End of Fiscal Year</b>	<b>32</b>	<b>59</b>	<b>69</b>	<b>44</b>	<b>53</b>

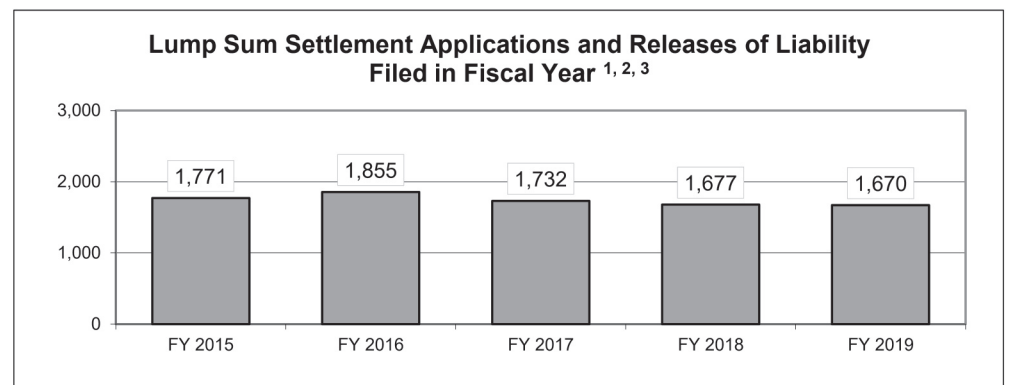
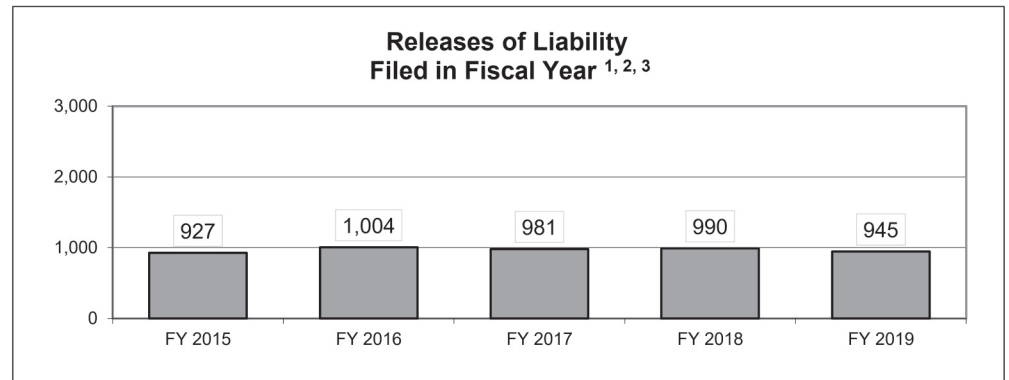
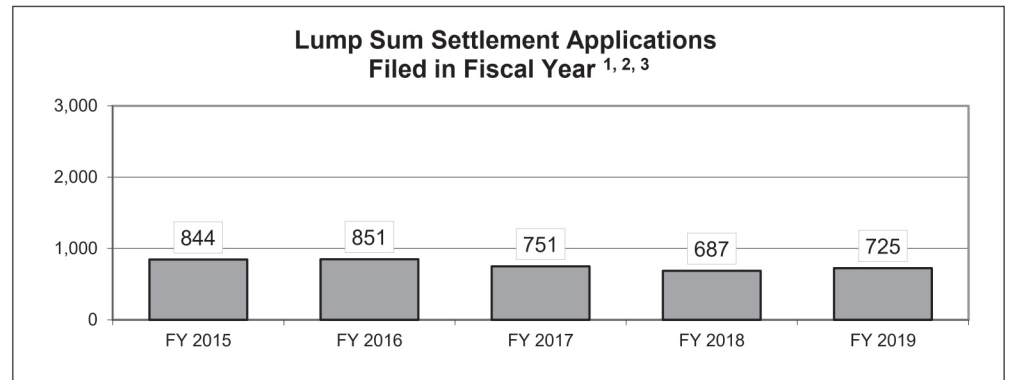
<b>Releases of Liability in Fiscal Year</b> <sup>1, 2</sup>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Releases of Liability Filed – No Lawsuit Filed	285	333	350	383	350
Releases of Liability Filed – Lawsuit (Past or Pending) Filed	642	671	631	607	595 <sup>3</sup>
<b>Total Releases of Liability Filed</b>	<b>927</b>	<b>1,004</b>	<b>981</b>	<b>990</b>	<b>945</b>

<b>Lump Sum Settlements and Releases of Liability in Fiscal Year</b> <sup>1, 2</sup>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Lump Sum Settlement Applications	844	851	751	687	725
Releases of Liability	927	1,004	981	990	945
<b>Total Lump Sum Settlements and Releases of Liability Filed</b>	<b>1,771</b>	<b>1,855</b>	<b>1,732</b>	<b>1,677</b>	<b>1,670</b>

<sup>1</sup> Fiscal years run July 1 through June 30.

<sup>2</sup> Pursuant to NEB. REV. STAT. § 48-139, lump sum settlement agreements require court approval. In 2009, the Nebraska Legislature amended this statute to eliminate mandatory court approval of certain settlement agreements and to require the filing of a release of liability for those settlements no longer requiring court approval.

<sup>3</sup> Includes settlements (both Applications for Lump Sum Settlement and Releases of Liability) accounted for in the "Litigation Summary" on Page 17 as to *pending* cases in addition to settlements in cases *previously* litigated.



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