

Workers' Compensation Law Judge Rules In Favor Of World Trade Center Worker

Staten Island, NY - Workers' Compensation Law Judge Theresa Merrill issued an important ruling on December 23, 2010, in the matter of *Luzzicone vs. Empire Blue Cross/Blue Shield*, a case that centers around the timeliness of the filing of workers' compensation claims from injuries suffered as a result of the September 11, 2001 attack on the World Trade Center.

Marie G. Luzzicone, an employee of Empire Blue Cross/Blue Shield, was working in the World Trade Center on the day of the attack, and subsequently developed and was diagnosed with Post Traumatic Stress Disorder. She filed a Workers' Compensation claim in October, 2003, but her employer, Empire Blue Cross/Blue Shield, denied the claim contending that Ms. Luzzicone had not filed before the statutory deadline, two years from the date of the claimant's accident. The Law Judge ruled in favor of Ms. Luzzicone, citing that the accident date was the occasion of her initial diagnosis with Post Traumatic Stress Disorder, not September 11, 2001, as Empire Blue Cross/Blue Shield had asserted.

This decision could have important implications for similar cases. Empire Blue Cross/Blue Shield has 30 days to appeal.

Through her attorney's, Helbock, Nappa & Gallucci, LLP of Staten Island, Ms. Luzzicone issued the following statement:

I am grateful that, after years of delay and denial by my employer, the Workers' Compensation Law Judge has ruled that my claim for injuries caused by working in the World Trade Center on September 11, 2001, are compensable under Workers' Compensation law. The recognition that my years of suffering were indeed caused by the horrible events of that day has given me a sense of acknowledgement and closure.

The impact of the attack of September 11, 2001 is something that every victim will live with for the rest of their lives. For Empire Blue Cross/Blue Shield to attempt to deny my claim based on a technicality was a second wound I don't believe I deserved. I am very happy that Judge Merrill recognized the credibility of my claim and applied the law judiciously. As we begin the year of the tenth anniversary of the attack, it is my hope that all other victims, like myself, can find the resources to heal and move on.

I am very grateful to my attorney, Robert Helbock, for continuing to pursue this claim where other attorneys would not.

Robert Helbock, of the Staten Island law firm Helbock, Nappa & Gallucci LLP, who represented the claimant, added. “Ms. Luzzicone is exactly the type of person the Workers’ Compensation Law was designed to protect. The Law Judge insightfully applied the law to a difficult set of facts to reach the right decision. I have been handling Workers’ Compensation cases for 25 years, and this was one of the most gratifying successes that I have advocated for.”

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Helbock, Nappa & Gallucci LLP is a Staten Island, New York-based law firm handling matters in the New York and New Jersey region that focus in the areas of workers’ compensation law, criminal defense law, real estate law, and Social Security Disability. Partners: Robert J. Helbock, Jr., Joseph A. Nappa and Mario F. Gallucci.

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