

Michael R. Duffy

Shareholder

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Michael is an experienced workers' compensation attorney who focuses his practice on defending employers and insurance carriers in matters related to workers' compensation. He counsels clients on all aspects of workers' compensation claims management to help minimize their exposure. He has successfully defended employers in many industries, including trucking, construction, landscaping, manufacturing, hospitality and assisted living facilities.

Michael earned his Bachelor of Arts in Political Science from The Pennsylvania State University and his juris doctor from Widener University Delaware Law School. He is admitted to practice in Pennsylvania and New Jersey.

An active member of the legal community, Michael is a member of the Pennsylvania Workers' Compensation Coalition, Brehon Law Society, Philadelphia Bar Association and Judge Alexander F. Barbieri Workers' Compensation Inn of Court.

Education

- Widener University Delaware Law School (J.D., 2015)
- The Pennsylvania State University (B.A., 2011)

Admissions

- New Jersey, 2016
- Pennsylvania, 2016

Honors & Awards

- Pennsylvania Super Lawyer Rising Star (2022-2026)

Associations & Memberships

Practices

- Workers' Compensation Defense

- Brehon Law Society
- Judge Alexander F. Barbieri Workers' Compensation Inn of Court
- Pennsylvania Workers' Compensation Coalition
- Philadelphia Bar Association
- URMIA

Classes/Seminars Taught

- *Caught on Camera: Using Surveillance & Social Media in PA Workers' Compensation Cases*, PBI's Tough Problems in Workers' Compensation 2025, June 12, 2025
- *Unique Workers' Compensation Aspects of Independent Contractors and Traveling Employees*, Lorman Education Services webinar, December 16, 2021
- *Workers' Compensation 101*, client seminar, August 19, 2020

Published Works

- "Bullying in the Workplace," CLM Magazine, December 2021
- "Is There a Doctor in the House? Telemedicine Has Its Benefits, But Not for Contested Workers' Compensation Claims," CLM Magazine, November 2020
- "Exercising Reasonable Diligence: Commonwealth Court Provides Guidance to 120-Day Rule," *Defense Digest*, December 2018, Vol. 24, No. 4
- "Ingress and Egress: Appellate Division Finds Employer Had Control Over Parking Lot," *Defense Digest*, Vol. 23, No. 1, March 2017

Significant Representative Matters

- Received a favorable decision where the judge granted our termination petition and denied the claimant's Petition for Penalties and Petition to Review Utilization Review Determination. The employer had accepted a right middle finger sprain. In prior litigation, the claimant's review petition seeking to expand this injury was denied. In the pending termination petition, the judge found the claimant not credible with regard to his ongoing complaints. The claimant claimed to be bed bound, and the judge opined that this allegation as a result of a finger sprain was absurd. The penalty petition related to payment of medical bills, and the judge found that, since the medical bills were related to the hand and not the finger, the penalty was denied. He also denied the claimant's Petition to Review the Utilization Review Determination, finding that more than 185 physical therapy visits were not reasonable for a finger sprain and because the opinions of the reviewer were corroborated by the employer's expert's opinion of full recovery.
- Obtained a decision granting the employer's termination petition. The claimant had sustained injuries to her low back as a result of a work injury wherein she was struck in her back by a coworker opening a door. The claimant alleged she sustained additional injuries, including multiple disc herniations. After subpoenaing records from various providers, Michael was able to show that the claimant had been in multiple car accidents and had prior injuries to her low back, resulting in treatment lasting up to a few months prior to the work injury. The claimant had denied any prior injuries during her testimony before the workers' compensation judge. The judge found the employer's expert credible and terminated the claimant's benefits.
- Received a favorable decision in a case involving Claim and Penalty petitions. The claimant alleged cervical injuries requiring surgery. Our medical expert agreed that surgery was required but did not agree to a work injury based on the records obtained following the claimant's deposition. Though the claimant testified to never having prior injuries or treatment for his neck prior to the injuries, Mike was able to obtain medical

records showing treatment for the same complaints two weeks prior to the work injury. The judge denied the Claim and Penalty petitions.

- Obtained a Decision granting Review and Termination Petitions and denying the claimant's Review Petition. The claimant fell approximately 20 feet from a ladder and sustained bilateral calcaneal fractures. The employer/insurer issued an NCP accepting bilateral ankle fractures. The defense filed a Termination Petition alleging a full recovery and also filed a Review to amend the description of injury to change the description of injury to bilateral calcaneal fractures. The claimant then filed a Review to amend the description of injury to include traumatic neuropathic pain secondary to bilateral calcaneal fractures, lumbar spine strain, lumbar spine disc injury, and bilateral lumbar radiculopathy. In making his decision, the judge found the defense expert more credible than claimant's expert.

Results

Favorable Decision Secured in Multi-Million Dollar Workers' Compensation Matter

We received a favorable decision that saved our client millions of dollars. The claimant filed a claim petition alleging he sustained a left shoulder dislocation, stroke, traumatic brain injury, gait dysfunction, central pain syndrome and post-traumatic seizures as a result of a fall at work. After the claimant fell at work and sustained a left shoulder dislocation, he went to the hospital for the dislocation, was treated and discharged. Four days later he sustained a stroke at home. He had multiple surgeries and was hospitalized for four months. He is severely disabled as a result of the stroke and requires full-time care. The claimant initially alleged he sustained a head injury from the fall at work which caused the stroke. He claimed he was bleeding from his nose and mouth and had a laceration to his forehead. We were able to show that did not occur by presenting fact witnesses who established the claimant fell off one step, never hit his head, was not bleeding from his head or face, only dislocated his shoulder, and was discharged home without issue. Claimant's counsel then alleged the claimant's stroke was related to a spike in his high blood pressure that placed him in a hypertensive crisis resulting in the stroke. We showed that the claimant had unregulated high blood pressure before the work injury and that he was released from the hospital with high blood pressure, but not enough to be in hypertensive crisis. The judge agreed with our arguments, finding that the claimant only sustained the agreed-upon shoulder dislocation. Therefore, the claimant was awarded one day of wage loss benefits for the shoulder dislocation. The stroke, traumatic brain injury, gait dysfunction, central pain syndrome, and post traumatic seizures were denied and dismissed. As the claimant is only 48 years old and his compensation rate resulted in \$30,000 a year wage loss benefit, wage loss for the rest of his life would likely have been around \$1 million. The claimant's medical costs were going to be much higher as he requires round-the-clock care, which over his lifetime would have cost millions. His hospital bills alone were over \$1 million, and claimant's counsel would have argued for home modifications and vehicle modifications. Instead, the claimant will receive a one-day payment of about \$88.

Termination Petition Affirmed before the Workers' Compensation Appeal Board

We received an opinion from the Workers' Compensation Appeal Board affirming the

decision granting our termination petition. The employer had accepted an “upper back area” injury through a Notice of Compensation Payable. Prior to issuing the NCP, the employer secured an IME, where the doctor ultimately opined that the claimant was fully recovered from a lumbar sprain. The workers’ compensation judge found that the claimant was fully recovered from the work injury based upon the credible opinions of the employer’s medical expert. The claimant appealed, arguing the termination was improper as the IME occurred before the NCP was issued; therefore, the change in condition needed to occur after the NCP. Additionally, the claimant argued the termination was improper as the IME doctor found a different injury than the injury noted on the NCP. The Appeal Board opined that the employer sustained its burden of proof as its expert’s testimony constituted substantial evidence, sufficient in nature to meet its burden of proof. The Appeal Board further found that since the employer was not disputing an injury occurred, it was not attempting to re-litigate whether the claimant sustained a work injury. Rather, it was disputing whether the claimant was still disabled. The Appeal Board further opined that the claimant’s expert evaluated the whole back and that the credible evidence revealed the claimant was fully recovered.

Successfully Defended Against Two Review Petitions in Shoulder Injury Case

We successfully defended against two review petitions in a case in which the client had accepted the claim as a right shoulder injury. As the claimant was lowering a trailer to a hitch, the trailer fell a few inches, causing the hand crank to spin and jerk the claimant’s shoulder. The claimant filed a review petition seeking to expand the description of injury to include orthopedic injuries (described as a cervical herniation at C6-7, a protrusion at T2-3, and multilevel disc bulges between C2-C6, cervical radiculopathy, lumbar strain/sprain, right frozen shoulder, right brachial plexopathy) and psychiatric injuries (described as somatic symptom disorder with predominant pain and adjustment disorder with mixed anxiety and depression). The claimant’s second review petition sought to increase his average weekly wage to include an expectant rate based on his communications with his dispatcher about potentially working more hours in the future. We argued the claimant did not seek treatment for the additional injuries until months after the work injury. With regard to the psychiatric injuries, we argued the claimant’s expert did not have a full understanding of the claimant’s past and did not discuss his prior substance abuse issues, familial/marital issues, or how he had dealt with prior workers’ compensation injuries. Furthermore, through cross examination, the claimant conceded he did not really understand what psychiatric treatment he was receiving. The workers’ compensation judge found the employer’s orthopedic and psychiatric experts more credible and persuasive than the claimant’s; therefore, the judge did not expand the injury to include the cervical, lumbar and psychiatric diagnoses. Additionally, the judge found there was no evidence to support a higher average weekly wage and compensation rate as the claimant’s wages reflected what he actually earned.

Successful defense of reinstatement petition.

The petition was filed by the claimant before an administrative judge. The claimant alleged he was entitled to reinstatement of indemnity benefits after he voluntarily stopped

working due to hand pain. We argued the light-duty position available and offered to the claimant was a one-handed position, and presented employer fact witness testimony and video of the light-duty job in rebuttal.

Workers' Compensation Judge's decision reversed on appeal.

We won a case on appeal, reversing the judge's decision. Our insurance carrier client issued a Notice of Temporary Compensation Payable (NTCP), agreeing to pay both indemnity and medical benefits for a lumbar strain allegedly sustained by the claimant. The 90-day period began on April 22, 2018, and ended July 20, 2018. On June 21, 2018, the claimant filed a claim petition for workers' compensation benefits, alleging a low back injury. On July 17, 2018, the carrier issued a Notice Stopping Temporary Compensation Payable, stopping benefits as of June 5, 2018, and a Notice of Compensation Denial. Thereafter, the claimant filed a petition for penalties, averring the carrier violated the Pennsylvania Workers' Compensation Act by failing to stop benefits within five days of receipt of the last payment of benefits. Accordingly, the NTCP converted to a Notice of Compensation Payable (NCP). The judge issued an Interlocutory Decision, ordering the carrier to reinstate disability benefits due to its failure to stop the claimant's benefits within five days of the last payment. The carrier appealed, arguing that the Interlocutory Order was a final adjudication, merely labeled as "Interlocutory." The carrier argued that because the judge's order drastically altered the procedure and burdens of the litigation, it was a final adjudication and the carrier had a right to appeal therefrom. The carrier further argued that, even when a defendant fails to file a notice stopping within five days after the last payment, but does so within the 90-day NTCP timeframe, the NTCP does not convert to a NCP. The Workers' Compensation Appeal Board agreed and reversed the judge's order.

Thought Leadership

June 1, 2025

A Costly Mistake

December 14, 2021

Bullying in the Workplace