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Supreme Court rules in favor of insurance carriers like BrickStreet

By [Staff reports](#)

CHARLESTON, W.Va. -- The West Virginia Supreme Court recently issued a favorable ruling to BrickStreet that a Charleston law firm says "holds great importance for all workers' compensation insurance carriers operating in West Virginia."

The firm Spilman Thomas & Battle, which represented BrickStreet in the case, said in a news release late Monday that private insurance providers like BrickStreet do not have to provide "deliberate intent" liability coverage to employers who only purchased a standard workers' compensation insurance policy.

An employer can be held guilty of "deliberate intent" if the employer knew about a dangerous workplace situation and did nothing about it, endangering its employees, according to the court opinion written by Supreme Court Justice Robin Davis.

Without the court's ruling, insurance carriers could have been expected to provide deliberate intent coverage to any employer they insured, regardless of whether the employer actually purchased such coverage, according to Spilman's release.

Victims of accidents involving "deliberate intent" will apparently be required to file lawsuits against their employers to collect extra compensation, according to the ruling.

The case before the Supreme Court apparently involved an injury to an employee who worked at Summit Point Raceway Associates.

Summit Point Motorsports Park, located in Jefferson County, has three road racing circuits for amateur automobile and motorcycle racing. The park also provides "high performance driver education and emergency training for local and federal law enforcement," according to the company's website.

The law firm said that "loophole" would have been a major setback to the state government's decision to privatize Workers' Compensation shortly after then-Gov. Joe Manchin took office in 2005. Manchin is now in the U.S. Senate.

Spilman Thomas believes the decision also "protects the business climate in West Virginia."

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