

Font v. JBS USA, LLC

Additional Case Names

9:25am

Case Number

A-20-0025

Court Number

WCC

Call Date

November 10, 2020

Case Time

9:00 AM

Case Summary

A-20-0025, Ivette Clemente Font (Appellee) v. JBS USA, LLC (Appellant) and State of Nebraska Workers? Compensation Trust Fund (Cross-Appellant)

Workers? Compensation Court, Judge Michael Fitzgerald

Attorney for Appellant: Charles L. Kuper

Attorney for Cross-Appellant: Amanda M. Phillips

Attorney for Appellee: Lee S. Loudon

WCC Action: Award of benefits for injured worker

Action Taken by Trial Court: Following trial and subsequent hearings, the workers? compensation court found that Font had sustained an injury arising out of and in the course of her employment and was entitled to temporary and permanent benefits, medical expenses, future medical care, vocational rehabilitation services, and attorney fees. The court further ordered the implementation of a vocational rehabilitation plan.

Assignments of Error on Appeal and Cross-Appeal: JBS claims the workers? compensation court erred by awarding Font vocational rehabilitation services without making a finding of permanent restrictions and by ordering the implementation of the adopted vocational rehabilitation plan.

The Nebraska Workers? Compensation Trust Fund contends the workers? compensation court erred in finding that Font was eligible for vocational rehabilitation services. The Trust Fund further argues that the court?s order implementing the vocational rehabilitation plan violated Rule 11 of the Nebraska Workers? Compensation Court Rules of Procedure and that the court erroneously shifted its role as fact finder to the appointed vocational rehabilitation counselor.

Case Location

Lincoln

Court Type

WCC

Schedule Code

A1

Panel Text

Bishop, Arterburn, and Welch, Judges
