

# Breaking Benson Apportionment News From The Law Offices of McDermott & Clawson, LLP

As announced on WorkCompCentral this morning, the Court of Appeals (First District) will be reviewing the Benson apportionment case to examine and determine whether separate awards are appropriate when multiple injuries reach P&S status at the same time.

For an in-depth review and analysis of the Wilkinson effect and status of the Benson case, please see our December 2007 newsletter by [clicking here](#).

Additional briefs from both litigants have been requested, so there will be further delay in the proceedings before Division Two. The Court has ordered briefing and arguments concerning LC 4663(c) and to also consider the effects of 'overlapping disabilities' of different parts of the body injured in companion claims which come to stationary status concurrently as found in an earlier Court of Appeals case, Norton vs. WCAB, (a 1980 case following the Wilkinson theories, but which granted a single disability rating on several successive/contemporaneous injury claims).

Stay tuned for more as apportionment develops through our court system!

Please feel free to send us your comments or questions – we would be happy to place your topics of interest in queue for our future Legal Briefs, or respond to your Workers' Compensation questions directly after review and dialog in our Education Committee.

As always, **we invite your comments and your subscription to forthcoming LEGAL BRIEFS Newsletters and other eNotices from the Law Offices of McDermott & Clawson, LLP.** Please feel free to redistribute our **LEGAL BRIEFS** newsletter to others who might benefit from the information and research presented. Some of our previous publications can be found at our website ([www.McDermott-Clawson.com](http://www.McDermott-Clawson.com)) and all readers are invited to subscribe to future **LEGAL BRIEFS** by clicking the hyperlink [here](#).

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