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MEMORANDUM

July 7, 2008

To: All Judges and Attorneys

From: Peter J. Calderone, Director and Chief Judge 

Subject: Recent Second Injury Fund Appellate Opinions

We normally only provide the unpublished Appellate Division opinions to the workers' compensation judges. However, we have this year received several extensive unpublished Appellate Division opinions concerning Second Injury Fund cases. The most recent appellate opinions, Quick v. Discount Oil Co., Docket No. A-3489-06T1 (App. Div. June 17, 2008) and Vassilatos v. Mercer Wrecking Recycling Corp., Docket No. A-4878-06T3 (App. Div. July 2, 2008) set forth the basic legal principles and cite the relevant case law affecting the Second Injury Fund which may also be of interest to workers' compensation attorneys. These opinions can be reviewed by clicking on the cases in this memorandum which are hyperlinked to the Rutgers Law School site.

Of particular importance as emphasized in these cases are the evidentiary requirements to establish a pre-existing disability. The party seeking Fund contribution has the burden of proof on such matters.

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