

### TRAVEL TIPS

*By David S. DeRose, Esq.*



Recently, while in Washington, D.C., I either dropped my wallet or someone "borrowed" it from my back pocket. I am fairly cautious about how I safeguard my valuables when I travel, but not this time.

I was very fortunate to discover within an hour or two that the wallet was missing, but that presented me with the task of identifying each item I had been carrying that day.

I knew that I had my ATM card and another Visa card that I use almost everyday. Fortunately, my spouse had duplicate cards in her purse.

At that time, I concluded that I should have retained a photocopy of every item I carry in my wallet. If you have a copy of the front and back of each credit card, your driver's license, medical information, owner's cards, insurance cards and other important documents, identifying what you had in the "stolen" wallet will be much simpler. Also, the follow-up to replacing each lost item will be infinitely easier.

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### HELP FOR MEDICARE RECIPIENTS

*By Margo A. Russell, Paralegal*

If you receive Medicare and have low income and few resources, help may be available to you. If you apply for state assistance, the state may pay your Medicare premiums and, in some cases, other Medicare expenses such as deductibles, coinsurance, or premiums and prescription co-payments related to the Medicare prescription drug program (Part D). Only your state can determine if you qualify.

You can get more information about these programs from the Centers for Medicare & Medicaid Services (CMS) by calling the Medicare toll-free number, 1-800-MEDICARE (1-800-633-4227). If you are deaf or hard of hearing, you may call TTY 1-877-486-2048.

Information regarding Medicare Part D can be obtained through the Social Security Administration at 1-800-772-1213.

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*The LEGAL UPDATE is prepared by the staff of QR for its friends and clients. It sets forth general principles and should not be acted upon without specific advice. Contact us at [news@qrlegal.com](mailto:news@qrlegal.com).*

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# WC BENEFITS AND RETIREMENT BENEFITS DON'T MIX

By Peter J. Gough, Esq.

Every so often the Pennsylvania courts issue decisions which result in attorneys rushing to contact their clients with advice. Now is one of those times. We want you to be aware of a change in the law which could result in the loss of your workers' compensation benefits.

The Commonwealth Court of Pennsylvania recently issued two decisions, both of which involved injured workers who were receiving workers' compensation benefits at the same time they were receiving pensions and/or Social Security retirement benefits. The Court concluded that if the injured worker receives a pension or Social Security retirement benefits, that worker is presumed to have been voluntarily removed from the work force - in other words, "retired." For that reason, that worker will not be entitled to workers' compensation benefits.

In the first case, the Court held that an injured worker who accepts a pension is not entitled to workers' compensation unless that worker establishes that a) he or she is actively seeking employment, or b) the work-related injury forced him or her to retire from working any job in the entire labor market and not just from performing the pre-injury job.

A short time later, the Commonwealth Court made life even harder for injured workers. In the second decision, the injured worker applied for and received a disability pension. Then, he testified during his workers' compensation case that he did not actively seek employment for a period of time after receiving the pension. The Court again found that the injured worker had retired during the time that he did not actively seek work. Thus, he was not entitled to workers' compensation wage loss benefits.

Moreover, the Court laid out in detail what injured workers must do to demonstrate that they are not retired. Simply put, the Court said that searching the internet or newspaper ads for jobs is just "window shopping" and does not constitute a true job search. To show a good faith effort to find employment, one must prove that job applications were submitted.

What this means is that injured workers who are currently receiving benefits and who are receiving, applying for, or considering taking pensions and/or Social Security retirement benefits must be actively looking for work on a regular basis in a meaningful manner. These workers have to read the classifieds and then contact potential employers about the jobs. The worker must keep a diary or calendar detailing the jobs they looked into, the employer's name, when they applied, with whom they spoke, and any other important details.

Further, injured workers must never describe themselves to their physicians, employer, co-workers or anyone as "retired" or "resigned."

In sum, an injured worker who is considering retirement must be cautious. The best way to deal with this is to see a workers' compensation attorney at QuatriniRafferty before applying for retirement, pension or Social Security benefits. If you are already receiving workers' compensation and retirement benefits, start applying for jobs, keep the diary, and see your attorney.

*Attorney Pete Gough joined QuatriniRafferty in 2002 and concentrates his practice exclusively in the area of workers' compensation.*



## TRAVEL TIPS

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The appropriate contact telephone numbers for credit card companies are located on the back side of the cards. I found that once I notified each creditor, they were most accommodating. My Visa card representative told me that my card was used almost immediately after it was taken. He then terminated the account and arranged for me to receive a new account and card. He also told me that he would inform all three credit reporting agencies of this situation so that they each could put an initial fraud alert on my credit report.

The fraud alert that was placed by my credit card company is truly helpful to let all potential creditors know that I might become the victim of identity theft. It is one thing to have an individual make unauthorized charges on your accounts but it is quite another for that same person to take the next step and attempt to steal your identity. Hopefully, these fraud alerts greatly reduce the potential for identity theft.

To further prevent the possibility of identity theft or immediate unauthorized account withdrawals, do not carry your social security number, passwords or pin numbers in your wallet. Fortunately, my wallet did not contain that information.

I now keep a copy of everything contained in my wallet, where it can be accessed by one of my relatives, if necessary. Hopefully, should this situation arise in the future, I will be able to quickly access the information and prevent a much greater problem from occurring.

This little bit of preparation can save much aggravation down the road.

For your information, the three credit reporting agencies are: Experian 1-800-509-8495, Transunion 1-800-680-7289 and Equifax 1-800-525-6285. You should take advantage of the annual free credit reports available from each of these agencies. You may also visit [www.annualcreditreport.com](http://www.annualcreditreport.com) to obtain these reports via the internet.

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## TAX TALK WITH JIM

*By James A. Horchak, Esq., CPA*

**H**ave you noticed more money in your paycheck lately? This increase was the result of the "Making Work Pay Credit." This federal tax credit provides up to \$400.00 for individuals and up to \$800.00 for married taxpayers filing joint returns for 2009.

The credit is designed to give you more money in your pocket today. It is an advance of a credit you may be entitled to claim when you file your income tax return. However, your individual circumstances dictate whether the taxes withheld from your paycheck will satisfy your ultimate tax obligation. For example, the credit will not apply if you are single and earn more than \$75,000, or married and jointly earn in excess of \$150,000. Other instances where the credit becomes complicated are if your marital status changes during the tax year, if you change jobs, or if you or your spouse have multiple jobs.



If you are self-employed or have other earned income not subject to withholding, you will be entitled to claim the credit on your 2009 tax return.

It is a good idea to consult the IRS website withholding calculator and, if necessary, submit a revised Form W-4 to your employer(s) to ensure that enough tax is withheld. The IRS withholding calculator can be found at <http://www.irs.gov/individuals/article/0,,id=96196,00.html>

# EXPUNGEMENT LAW EXPANDED IN PENNSYLVANIA

*By Brian Patrick Bronson, Esq.*

**A** new provision in Pennsylvania law alters the criteria for expungement of criminal records for summary offenses. Expungement is the process that removes past criminal offenses from your record.

Prior to the passage of this law, an expungement could only be granted under specific circumstances. Expungements were limited to juvenile court convictions and to adult criminal charges that were dismissed by a judge or withdrawn by the Commonwealth.

Now, the law permits people convicted of a summary offense to apply for expungement five years after conviction as long as they were not arrested or prosecuted within that time. Examples of summary offenses are under-age drinking, disorderly conduct, harassment, and retail theft. However, the law will no longer allow relief for people that committed certain crimes against victims under the age of 18. Even if a matter is expunged for public purposes, law enforcement agencies retain access to this information.

The new law does not change the fact that convictions for more serious offenses known as misdemeanors and felonies are still not expungable in Pennsylvania. The only available option to expunge these records would be a gubernatorial pardon, which is time consuming and difficult to obtain.

To explore whether you may qualify under this new provision, contact Brian at 724-552-2755 for an appointment.

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## QR IN THE COMMUNITY

QuatriniRafferty attorneys **Ron Fonner** and **Michael Quatrini** volunteered their time on April 21, 2009 for the 25th Annual "KD and You and the Law Program" sponsored by the Allegheny County Bar Association and KDKA-TV. The annual event includes more than 100 attorneys answering legal questions from the general public. It is estimated that more than 2,000 telephone calls were received during the 2009 event.

Attorney **Vince Quatrini** served as a moderator and panelist at the 7th Annual Current Trends in Workers' Compensation Management Seminar held in Pittsburgh in March. This annual seminar is sponsored by Allegheny General Hospital.

In March, Attorney **Tereasa Rerko** attended the Seton Hill University E-Magnify® Conference in Pittsburgh. Seton Hill University's E-Magnify® women's business center provides business counseling, mentoring and education and training to help women start and grow their businesses.

In May, Attorney **Ron Fonner** participated in the PA Department of Labor & Industry's 8th Annual Workers' Compensation Conference held at the Hershey Lodge & Convention Center. Ron spoke on several issues, including the legal significance of an employer's panel physician list and litigation strategies when the employer files a petition to compel a medical examination. QR attorneys **Vince Quatrini** and **Pete Gough** and paralegals **Angela Herrholtz** and **Rhonda Chappell** also attended the conference.

Attorney **David DeRose** once again served as a judge of student projects at the Excelsa Health-Latrobe Area Hospital Heart Fair held in April. David is a member of the hospital's Golden Hour Committee, which sponsors this event each year to promote greater awareness of the importance of immediate treatment for the signs and symptoms of a heart attack. David was also recently elected President of the Westmoreland County American Heart Association Board of Directors.

QuatriniRafferty recently sponsored a first-time event for all graduates of the Pleasant Unity Grade School. This special reunion was attended by over 200 people who reminisced about their childhood days in the community.

# QR COMMUNITY PARTNERS

*There are many organizations in our community that provide important services but their work is not always widely publicized. This month, the group we feature, Christian Laymen Corps, is interesting in that it is composed of people from varying faith backgrounds who have come together to provide important service to their community. Charlie Cunningham was instrumental in forming and guiding this group, and on April 23, 2009, Charlie was presented with Catholic Charities' Communities of Salt and Light Award for humanitarianism. The following article was written by dedicated volunteer, Gene Leonard.*

## THE CHRISTIAN LAYMEN CORPS

*By Gene Leonard*

In 1990 a group of Christian men of various denominations formed a group to help support one another. The group adopted the name Christian Laymen Corps (CLC), and within a short time, expanded the focus of the group to include community outreach. Families in their community needed assistance due to the ravages of fire, floods and financial difficulties. CLC has continued to grow and garner support and has joined forces with individuals, churches, schools, institutions and agencies in Southwestern Pennsylvania, West Virginia and Kentucky to fulfill an ever-increasing need for this type of help. CLC operates solely from donations from the community and volunteer services.



Today, when a need is identified, Christian Laymen Corps, located at 258 East Pittsburgh Street in Greensburg, Pennsylvania, goes about fulfilling that need. CLC can provide immediate help. Donations of food, clothing, furniture and household goods are received from the community. CLC's Thrift Store sells many of these items at a greatly reduced price. Sales from the Thrift Store provide funds necessary to operate CLC.

In 2007 CLC initiated its "A Bed for Every Child" program, which provides bedroom furnishings to Westmoreland County children whose parents are unable to afford these items. CLC Founder Charlie Cunningham stated, "We believe that children who are living in stressful situations need these basic necessities to provide some measure of calm, order, and normalcy to their lives." It is hoped that in working with other community support agencies that CLC's "Beds" program supports families in their efforts to improve their standard of living and therefore to improve their manner of interaction within the community.



CLC also operates a Food Pantry six days a week. Both the Thrift Store and the Food Pantry are operated daily by some 60 men and women volunteers who generously donate their time. Anyone interested in volunteering may contact Aline Cunningham at the Christian Laymen Corps office at 724-834-4464.

Donations of gently used items may be taken to the rear entrance of the Christian Laymen Corps building, located at 258 East Pittsburgh Street in Greensburg. The small door is open to receive donations Monday through Saturday from 10:00 a.m. to 2:00 p.m. CLC will send a truck to pick up heavy items or items that will not fit in your car; please call the CLC office to make arrangements.

Financial donations to Christian Laymen Corps to support its programs are gratefully accepted. All donations are tax deductible and 100% of donations go directly to those in need. Donations can be sent to the Pittsburgh Street office in Greensburg.

For more information about Christian Laymen Corps, please contact Charlie Cunningham at 724-834-4464.

# RIGHT TO KNOW LAW

By David S. DeRose, Esq.

A new Right to Know Law in Pennsylvania took effect on January 1, 2009.

Although Pennsylvania has had an open records law since the late 1950's, the scope of that law was never clear and it was not applied uniformly throughout the state. The changes to the Act make it clear that all records kept by local and state governments are presumed to be accessible to the public, with some exceptions. If a government entity desires to keep a record private, the burden will be on that entity to prove why that record should not be open to the public. It is no longer the burden of citizens to prove that a record should be accessible.



For example, a citizen may approach a Borough Council or Township Supervisor to obtain revenue and spending information, minutes of a public meeting, public contract or public salary information. If access is denied, an appeal can be filed with the newly created Office of Open Records, which will decide if the municipality is correct. The Office of Open Records serves municipalities by providing information on implementing the provisions of the Act, issuing advisory opinions, and establishing an informal mediation program that will hopefully resolve many of the disputes that could arise.

Under the law, each municipality in Pennsylvania is to name an Open Records Officer who will administer the Act. In this manner, the law seeks to provide uniformity within a particular municipality in how information is provided to the public. As under the old law, there are sure to be concerns by municipalities about disclosing any information concerning certain types of criminal or civil investigations that could constitute an invasion of someone's privacy or in some way deprive an individual of a fair trial. There are also concerns about disclosing any information that would lead to a substantial risk of endangering anyone's personal security. Social Security numbers, personal telephone numbers, psychiatric reports and performance reviews are not public information.

In any event, the new Open Records Law is designed to create greater access by the public to government and its records, and hopefully put an end to any "closed door policies" that may have been perpetuated by some government entities.



*Attorney David DeRose heads QR's estate department and has over 30 years' experience in the areas of estate planning and administration, real estate, zoning and family law.*

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## UPDATE FOR HOMEOWNERS AND CONTRACTORS

In the Winter 2009 edition of Legal Update, we discussed the Home Improvement Consumer Protection Act, effective July 1, 2009. This act requires home improvement contractors to register with the state and to include their registration information on all contracts for home improvement projects. Homeowners may contact the Bureau of Consumer Protection to determine if their contractor is in compliance by calling a toll-free number, 1-888-520-6680.

Contractors needing to comply with registration requirements may contact the state through the Attorney General's website, [www.attorneygeneral.gov](http://www.attorneygeneral.gov), to obtain registration instructions, an application and certification information. The biennial fee for contractor registration is \$50. Failure of a contractor to comply with the registration requirements by July 1, 2009 shall result in the contractor being prohibited from offering or performing home improvements. In addition, failure to register may be prosecuted by the Attorney General.

# QR PERSONAL NOTES

Congratulations to Jessica Rafferty, daughter of attorney **Dennis Rafferty**, who graduated in May from George Mason School of Law in Washington, DC. Jessi will sit for the Pennsylvania bar examination this July.

Congratulations to Adam Quatrini, son of attorney **Vince Quatrini**, who graduated from Dickinson College with a degree in political science. Adam is planning to work in Washington, D.C. for a year before going on to law school.

Shortstop Cassidy Chappell hit an inside-the-park homerun to win the 2009 Trinity Invitational Fastpitch Tournament for the Norwin Lady Knights softball team. Cassidy also achieved High Honor Roll for the second straight 9 week semester at Norwin Middle School. Cassidy is the daughter of paralegal **Rhonda Chappell**. Rhonda is serving as the Secretary of the Norwin Lady Knights Softball Boosters for the 2009-2010 year.



Welcome to Brody Quinn Bronson, the newborn son of Liznelia and Attorney **Brian Bronson**. Brody was born on April 6, 2009 at Magee-Women's Hospital and weighed 8 pounds, 15.9 ounces. Brody joins his big brother, Bradan, at home.



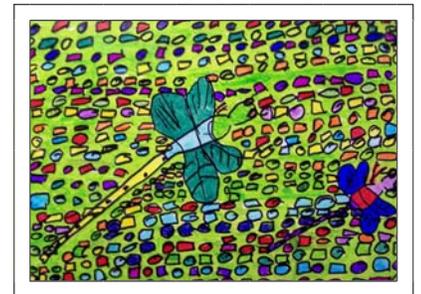
Congratulations to Robert Cirelli, son of file manager **Betsy Nick-sich**, who graduated from the University of Pittsburgh at Greensburg on April 25, 2009. Rob earned a degree in business management.



Happy anniversary to Elmer and Janet Keyser of Stahlstown, who celebrated their 50th wedding anniversary on February 14, 2009 with family and friends at a party held at Mill Creek in Ligonier. They are the parents of paralegal **Brenda Sherbondy**.

Nicholas Hudec, son of legal secretary **Patty Langgle**, was inducted into the National Honor Society on April 29, 2009. Nicholas will be a senior at Mount Pleasant High School this fall.

The artwork of Lydia Herrholtz was one of only 15 entries selected from more than 700 submissions displayed as part of the Student Gallery of Ligonier Valley exhibit at Ligonier Town Hall. Lydia is a second-grader and the daughter of paralegal **Angela Herrholtz**.



Shelby Rerko Grundy, daughter of attorney **Tereasa Rerko**, graduated from 8th grade at St. John the Baptist School in Scottdale, and will attend Geibel Catholic High School in the fall.



The Connellsville Indoor Colorguard, under the direction of Amber and **Terri Ross**, won the Gold Medal in the TIDA Chapter 8 Championship, and then went on to the national TIDA All-Chapter Championship in Wildwood, New Jersey, where they brought home the Bronze Medal. They competed against units from Delaware, Pennsylvania, New Jersey, West Virginia, New York, Virginia and Ohio. Terri is a client care representative at QR.

# CLIENT APPRECIATION PICNIC!

## YOU ARE INVITED TO THE QUATRINI RAFFERTY CLIENT APPRECIATION PICNIC

*Who is Invited:* All past and present clients. . . bring your family along for the fun!

*Where:* Pavilion #7 at Twin Lakes Park, Greensburg, PA

*When:* Friday, August 14, 2009 from Noon 'til 7 p.m.

**Reservations Required:** RSVP no later than August 6, 2009,  
by contacting Terri Ross at 724-552-2752 or e-mail [tmr@qrlegal.com](mailto:tmr@qrlegal.com)

**SEE YOU THERE!**

Door Prizes . . . Food . . . Games for the Kids . . .



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A detailed black and white illustration of a large, multi-story building with many windows and a prominent entrance, likely the law firm's office.