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### AGENT ORANGE BENEFITS EXTENDED TO MORE VIETNAM VETERANS

by Michael V. Ouatrini

After years of waiting, the Veteran's Administration has finally extended Agent Orange presumption to thousands of "Blue Water" veterans.

"Blue Water" veterans are defined as individuals who served on a U.S. Military vessel that served within 12 nautical miles of the coast of Vietnam between January 9, 1962 and May 7, 1975. Previously, only "Brown Water" veterans - those that served on inland waterways of Vietnam - were deemed to have been in contact with Agent Orange and entitled to the automatic connection to benefits.

The change in law means that Blue Water veterans no longer have to prove that they were in direct contact with Agent Orange - previously a very difficult task - and automatically qualifies them for monetary compensation and medical coverage for the following conditions:

- Amyloid light-chain (AL) amyloidosis
- Chloracne, or other acneform disease consistent with chloracne
- Chronic B-cell leukemias
- Diabetes mellitus, Type 2
- Ischemic heart disease
- Hodgkin's lymphoma, formerly known as Hodgkin's disease
- Non-Hodgkin's lymphoma
- Multiple myeloma

- Parkinson's disease
- Peripheral neuropathy, early-onset with symptoms diagnosed within one year of discharge
- Porphyria cutanea tarda
- Prostate cancer
- Respiratory cancers (lung, bronchus, larynx, or trachea)
- Soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma).

## **CLIENTS FIRST : COMMUNITY FIRST**

### **OUATRINIRAFFERTY LEADS THE WAY** ESTABLISHES ENDOWED FUND AT COMMUNITY FOUNDATION OF WESTMORELAND COUNTY



The attorneys and staff of QuatriniRafferty have committed to doing good deeds in our community for the past 35 years. We get involved in promoting the mission of nonprofit organizations throughout Western Pennsylvania - sitting as members of boards of directors - volunteering time - making monetary contributions - providing needed clothing and food. We do it all! And, we do it proudly! Each year, we reach out to 75 to 100 groups. Another initiative which we are proud of is the QR Holiday Fund, which is managed by David DeRose and Lisa Desiderato. The staff and attorneys of QR make regular contributions out of their paychecks all year long into this fund. At year end, the law firm matches the total in the fund, dollar for dollar. Everyone then works together to identify individuals and families who can benefit from a financial boost, and we go out and spread holiday cheer to them!

And, now, in this scary time, QR is taking its community commitment to a new level. We are excited to announce that we have opened the endowed "QuatriniRafferty Community Fund" at The Community Foundation of Westmoreland County. What does this mean? We have created a permanent fund - beginning at \$10,000.00 - from which grants will be made to eligible non-profits. The QR Community Fund is designed to supplement our current initiatives and, as the years pass, throw off enough money to underwrite programs which are transformative.

QuatriniRafferty is demonstrating unprecedented leadership by establishing an

Phil Koch, Executive Director of CFWC remarked, "During these uncertain times, endowed fund which will support all people in our community, especially those who are most vulnerable. We are honored to join with this compassionate community partner – the first law firm in our region to create a charitable fund at the Community Foundation."

Even if you or a family member have applied and been denied for these benefits in the past, please contact Michael Quatrini to discuss how the new "Blue Water" law will support a new claim for benefits.



# 888-534-6016

#### Pretty cool. We relish being leaders in our community! If you know an organization that can benefit from a grant from The QR Community Fund, please let us know.

## COVID-19: Your Workplace Rights

# **HIGHLY EFFECTIVE LIFE HABITS:**

## **FMLA**

The leave provided under the Family and Medical Leave Act was always unpaid. Now, your rights have been expanded under the Emergency Family and Medical Leave Expansion Act. This new law provides you with 10 weeks of paid FMLA leave if you meet the following criteria:

- You have been employed by your employer for at least 30 calendar days at the time you request leave.
- You are unable to work (or telework) due to childcare if your child's elementary or secondary school or daycare has closed or is unavailable due to COVID-19.

Note: Your employer meets the legal size requirements, and you are not covered by an exclusion.

## PAID SICK LEAVE

The Emergency Paid Sick Leave Act provides up to 80 hours of paid sick leave to individuals who are unable to work or "telework" due to one of the following:

- · You are under a government quarantine order.
- You have been advised by a Health Care Provider to self-guarantine.
- You are caring for someone in either of the above categories.
- You have COVID-19 symptoms, and you are waiting for a medical diagnosis.
- You are caring for a child who is out of school/child care because of COVID-19.

Note: Your employer must meet the legal size requirements, and you must not be covered by an exclusion.

Nicholas W. Kennedv

## **UNEMPLOYMENTCOMPENSATION**

Congress expanded the maximum number of weeks of eligibility for unemployment compensation in Pennsylvania from 26 to 39. It also increased the weekly benefit amount by \$600.00 through July 31, 2020. Additionally, Congress expanded unemployment coverage to those traditionally ineligible, including self-employed individuals, those with insufficient work history, and independent contractors.

### IS MY WORK COMP CHECK ACCURATE?

Pete Gough and Jim Horchak recently taped a video on why it is important to review the calculation of our clients' workers' compensation benefit. Pete and Jim discuss the process and what steps our firm takes to make sure the gross wage, called the Average Weekly Wage, is accurate. Pete pointed out that QR is probably the only Workers' Compensation firm in Western Pennsylvania that utilizes both an attorney/accountant to see if our clients are receiving the correct WC benefit. Jim noted that the calculation is only accurate about 1/3 of the time, often shortchanging the injured worker. Check out the QR website for the full video.



Are you feeling anxious? Being cooped up, combined with uncertainty, is a formula for anxiety.

Long before COVID-19 many therapists were suggesting that we reduce the unhealthy stress (there is good stress) in our lives. How do we navigate through this pandemic? Adopting healthy habits and practicing wellness are very effective strategies.

We reached out to physical therapist Scott Gettings, and concussion specialist, Dr. James Masterson. Here are some excellent life tips from Dr. Masterson's medical bag, coupled with the experience of the attorneys at QuatriniRafferty who work with permanently injured or disabled clients:

### DR. JAMES MASTERSON

- Set a regular daily schedule. Stay active.
- Switch roles with your significant other.
- · Accept the new emotions you feel being vulnerable - loss of control in your life - anxiousness - uncertainty - depression - loss of self-esteem being in limbo. These are all normal reactions to having your life turned upside down.
- Share these feelings with a professional. Your significant other/family may not be able to understand these new feelings - a professional counselor/psychologist/psychiatrist is the answer.
- Join a support group.
- Reduce your monthly expenses.
- Exercise, regularly, even if it is 10 minutes at a time.
- Read out loud do puzzles and board games knit.
- Keep a journal record sights smells tastes feelings.
- Do mental math exercises crossword puzzles word finding.
- Computer-assisted eye exercises EyeCanLearn - Bates - ConcussionHome.
- Reduce/Change your eating habits Antioxidants - colored fruits and vegetables - low sugar avoid processed foods - add Omega 3 - Vitamin D and B2 - Magnesium
- Keep the same sleep routine consider melatonin.
- · Incorporate meditation, mindfulness, and spirituality into your life. It is excellent mental health therapy.
- Keep a positive outlook. What do I have to be thankful for in my life? My family, my faith, memories of a great vacation? Pull out your family photo album.
- Perform random acts of kindness for others. Volunteer.

### SCOTT GETTINGS, PT

- 1. If you have any COVID-19 symptoms call your Primary Care Physician (PCP) first.
- 2. Consult your therapist and prescribing doctor before stopping PT.
- 3. Keep in touch with your doctor in person or virtually, once a month. Make notes.
- 4. Schedule a face-to-face appointment with your doctor, at first opportunity.
- 5. Going to therapy? Concerned about COVID-19?
  - Ask for a separate/private treatment room
  - Schedule at off hours.
  - Follow universal precautions: hand washing/ mask/social distancing from others
- 6. Advised to guarantine? Ask your doctor if home health or telehealth are options. If not,
  - Discuss your home exercise program with your therapist.
  - Stay active. Walking is a safe activity. Discuss with your therapist - how long and how often?
  - Avoid staying up late/sleeping in; maintain a set schedule to maintain/improve good sleep
  - Volunteer, e.g. Adopt a nursing home resident, virtually!
  - · Stay on or start a healthier diet; add one fruit or veaetable a day
  - Set a goal 1/2 your weight in ounces of fluid/day, (ex: if you weigh 200 lbs., consume ~100 ounces of fluid a day.) Preferably water!
  - Make a follow-up appointment with your therapist for post-quarantine
  - If your injury is legal related Inform your attorney of changes in care

## ON THE ROAD



Attorneys Joyce Novotny-Prettiman and Jessica Rafferty presented a Continuing Legal Education Seminar at the Washington County Winter Bench-Bar on 2/21/2020 regarding Underinsured Automobile Insurance Coverage to include a discussion of the cases that have been decided after the Pennsylvania Supreme Court decided the Gallagher v. GEICO case in January of 2019.

Joyce obtained a significant victory for all Pennsylvania motorists in the case of Gallagher v. GEICO.

QuatriniRafferty's very own Vince Quatrini attended the inauguration of Kathryn Boockvar as Secretary of the Commonwealth in Harrisburg, PA, on Friday, March 6<sup>th</sup>.

Pictured is Governor Tom Wolf, Secretary of the Commonwealth Kathryn Boockvar, and Attorney Vince Ouatrini.



QR's very own Nick Kennedy spent the first week of January at the 39<sup>th</sup> Annual National Trial Advocacy Colleae that is hosted by the University of Virginia School of Law. Nick spent 5

 $\frac{1}{2}$  days there honing his trial skills.

In the photo, see Nick and his co-counsel, alona with the



iudae and opposing counsel, for their final mock iury trial. Nick and his co-counsel won the trial with a verdict for the Plaintiff. Way to go, Nick!

Attorney Tereasa Rerko was selected as a mentor for the newly developed Mentorship Program that NOSSCR (National Organization of Social Security Claims Representatives) is initiating this year. This is a one-year position. As a participant in the Program, Tereasa will be providing general professional and subject matter guidance to a junior NOSSCR member.

OR's Vince Quatrini was one of the sources for a workers' compensation story on Covid-19 published by the Philadelphia Inquirer on Sunday, March 22<sup>nd</sup>. Vince pointed out that he expects employers and insurance carriers to deny most workers' compensation claims filed based on Covid-19 exposure. In the article, Vince says, "their first reaction is going to be 'No, ain't paying. Because if I start paying I am going to set a precedent, and it is going to be a tremendous hit on our earnings."

https://www.inquirer.com/health/coronavirus/spl/ pennsylvania-coronavirus-police-first-responders-workerscompensation-20200322.html

On December 3rd Michael Quatrini presented at the Allegheny Bar Association Holiday Seminar in



the historic Harvard Yale Princeton club in Pittsburgh. Michael discussed recent Court cases on Workers' Compensation law in Pennsylvania.

On 2/25/20, Altoona QR attorney Mike Routch gave a free seminar at the Tyrone Elks Lodge to advise attendees of their rights under PA's Workers' Compensation Laws. The seminar included a presentation of issues affecting injury claims, unpaid medical bills, modified duty, termination of benefits, and settlement of claims. The presentation was the first of a planned series of seminars across Blair County.



Jessica Rafferty's new co-worker, Calvin, is in training and will soon be ready to serve all of your legal needs!

## SHORT-TERM AND LONG-TERM DISABILITY

- Find out if your employer carries a Short-Term Disability policy and/or Long-Term Disability policy.
- COVID-19 should be covered by the STD or LTD policy.
- Obtain a medical opinion that you cannot safely be in the workplace.
- Give notice to your employer before you stop working.

NOTE: The Americans with Disabilities Act (ADA) generally prohibits your employer from conducting medical inquiries and examinations. This may come into play with your application.

## WORKERS' COMPENSATION



COVID-19 is definitely covered under Pennsylvania's Workers' Compensation Act. A claim would fall under both the injury section and the Occupational Disease section of the Workers' Compensation Act. The challenge is to secure a medical opinion that more likely than not you acquired it in the course of your employment (which can include attending an employer-sponsored social event). The application and overlap of your workplace rights is fact sensitive. At our law firm, we handle these questions all day, every day. Call or email us for a free consultation. We are available-remotely-24/7.

## WORKING MODIFIED DUTY? EMPLOYMENT ENDED DUE TO COVID 19? IF SO ...

- You may be entitled to your FULL workers' compensation check.
- Request that the workers' compensation insurance company reinstate your full workers' compensation check.
- Explain that you were working modified duty, or your regular job with restrictions, and that your employment was terminated (due to COVID-19 or any other reason).
- The insurance company may refuse to reinstate your FULL workers' compensation check.
- Your employer may tell you to file for unemployment compensation
- Contact our office and talk to one of our workers' compensation lawyers who will help you decide what is financially best for you and your family.



Join us on Facebook every Tuesday for a fun, new campaign called "Legal Tip Tuesdays." Each week, a QR attorney will share a free legal tip in one of our many practice areas! Be sure to "Like" and follow the QR Facebook page to take advantage of this FREE advice!

By Ronald J. Fonner







"Attorney Routch and his staff were incredibly kind, sensitive and respectful in helping my 84 year old father with his legal needs. It gave me such relief knowing he was so well taken care of by such wonderful people. I know they will help us with any legal need we may have. God Bless each and everyone of them. From the bottom of my heart, thank you!!!" - QR Client, Kathleen

"I have used Quatrini and Rafferty for different issues and their attorneys are the best around! Brian Bronson and Ron Fonner are both very compassionate and extremely knowledgeable in their fields. They have helped me tremendously and I am so thankful for them both. I send all of my family and friends to this law office for any legal issues they may have." - QR Client, Nicole

"Adam treated me and my case with respect. I am more than completely satisfied the way it turned out. I have referred a few guys to him. If you would ever do advertising, I would be Adam's spokesperson. Have a a great day!!!" - QR Client, Mark



### HEALTH INSURANCE: NOW YOU HAVE IT, NOW YOU DON'T.

coverage. Here are five recommendations:

- 1. Keep your coverage. Purchase COBRA through your employer. Be aware: It is expensive
- family because of Obamacare. PA Medicare. Compass.state.pa.us
- 3. Family Income over \$23,000 per year. Go to Healthcare.gov for Obamacare options.
- 4. Use Medicare if eliaible.
- 5. Use a broker. No fees. OR Recommendations:

#### Jim Carson • 724-433-8596 | RJ Swann Insurance • 724-312-3454 | Allison McCoy Jones • 724-456-4422





## CONGRATULATIONS TO OUR 2020 SUPER LAWYERS AND RISING STARS!



Super Lawyer

Estate Planning







#### Laid-off workers who get their health insurance through their employer are, again, without

2. Income near zero? (Workers' Compensation benefits are not income.) You are eligible for FREE coverage for your

#### NTN INSURANC

**ROBERT J. SWANN** PHONE: 724-312-3454 | FAX: 866-311-2650 EMAIL: RISWANN.INSURANCE@GMAIL.COM WWW.RISWANNINSURANCE.COM HELPING YOU CONTROL HEALTH INSURANCE COSTS SINCE 200

MJI **McCoy Jones Insurance** Allison McCoy Jones Medicare Supplements Prescription Drug Plans Group & Individual Phone: 724-596-4422 Fax: 724-596-4112 219 1st Street \*Health / Life Apollo, PA 15613

### IT'S MY THIRD ACCIDENT IN 10 YEARS. CAN YOU HELP ME?

#### By Richard Galloway, Jeff Monzo, and Joyce Novotny-Prettiman

An old QR client called the other day. "Mr. Galloway, I was just involved in my third auto accident. I had been feeling great. This new accident has really flared up my low back pain. And, now I have leg pain. Am I disqualified from being compensated for what has happened to me?"

The answer is simple – NO - you are not disqualified. For instance, you get rear-ended stopped at a red light. You wake up the next morning and you cannot move your neck. Three years ago, you had the same symptoms but they eventually cleared up. We see this scenario, frequently.

How do we prove your case? Again, the answer is straightforward. If your doctor believes that you are suffering a new injury, or equally important, what is called an "aggravation" of an old injury that was asymptomatic, you are entitled to recover money damages. Phrased another way, if you already had a "bad back," and the current accident causes new and/or worse symptoms, we can file a civil claim for your lost wages, inability to enjoy life activities, loss of intimacy with your significant other, and your chronic pain.

The careless or inattentive driver who causes the accident does not have the right to argue that they are not responsible just because you are more susceptible because of an old accident.

In law school, we called this phenomena the "Egg Shell Skull Doctrine." A person has a thinner than normal skull. The skull gets fractured in an accident. A person with an ordinary skull would not have suffered a fracture. The law says to the person who was inattentive, resulting in the fractured skull - you are still responsible. When someone runs a stop sign, is speeding, follows too closely, texts while driving, or is otherwise careless or reckless, and causes an auto accident, he or she cannot complain that the injury is worse than anticipated because the injured person was more vulnerable. The law also says to the negligent driver - "You take your victims as you find them and you must pay for all injury caused by your conduct."

The moral of the story? Whatever the facts, or whatever your pre-accident medical condition, call us at QuatriniRafferty. We will assess your case. The consultation is free and you may be pleasantly surprised that we can help get you back on your feet, financially, get your medical condition properly treated, and ensure that justice is done!



### Question: Do I owe income taxes on my Social Security Disability?

Answer: While it is considered "taxable" income, whether or not you will owe any taxes on it depends upon the total amount of your taxable income noted on your tax return. If you want to have taxes withheld from your Social Security Disability checks you can complete an IRS Form and give it to the Social Security office for processing. It is currently called IRS Form W-4V.



Rhonda Chappell's new coworker Toby says "Please take a break from work and play with me!"



Katrina Stoots and her new coworker Remy celebrated his 1st birthday in quarantine!



Peek-a-boo! New OR employee Toby checking in on Kellie Taylor during the workday!

Attorney Brian Bronson's son, Bradan Bronson (left), finished 3<sup>rd</sup> in his first year of wrestling in the Area 3 tournament for Latrobe and act to wrestle in his first Championship Match. Way to go, Bradan!



Patrick Grundy, son of Attorney Tereasa Rerko, was named to the B. Thomas Golisano College of Computing and Information Science Dean's List at Rochester Institute of Technology for the Fall 2019 term. Patrick has been named to the Dean's List every semester since his 2017 start. He is a third-year student, working on his BS in Computer Science. Keep up the great work, Patrick!

QR's Marketing Director, Cristy Mae Marsh, got engaged to her boyfriend Garrett Varner on February 29th at Beam's Rock. The two will be getting married at Saint Vincent's Basilica on October 30<sup>th</sup>, 2021.





Paraleaal, Christine Boyd, aot enaaged to her boyfriend Jim Barczy on November 4<sup>th</sup> while on vacation in Myrtle Beach during a late-night walk on the beach. The two are getting married on October 2<sup>nd</sup>, 2021.

In March of 2020, Attorney Joyce Novotny-Prettiman became a great aunt as her nephew, Raymond Sowinski, and his wife, Rachel, welcomed a beautiful baby girl, Ada, to their family. Congratulations!

Cami Cook, daughter of Legal Secretary, Tracey Cook, has completed her last exam for her didactic year at St. Francis University in the Physician Assistant Program! She will begin her first clinical rotation "virtually" on May  $18^{\text{th}}$  until mid-June where her first rotation will be in general surgery in Latrobe. Congratulations, Camil



## **QR FAMILY HAPPENINGS**







QR accountant Justin Ross and his wife Miranda's oldest child, Skyler, is graduating from Hempfield High School this spring. Skyler will be attending Seton Hill University on an amazing academic scholarship and is planning to major in Communications. Skyler is also a member of the National

German Honor Society. We're proud of you, Skyler!



QR's very own Christine Boyd was recently elected the Vice President of the Pittsburgh Paralegal Association for 2020. Bravo, Christine!

Attorney Brian Bronson's son, Brody finished 2<sup>nd</sup> in the 10 and under Latrobe Turkey Trot. Great job, Brody! Your QR family can't wait to see where you place in the 2020 Trot!





This magnificent creature has set up housekeeping in Dennis Rafferty's backyard! Dennis and his wife, Kathy, have had the best entertainment watching the beautiful birds during the stay-athome order. They even believe there may be some baby eagles nested above as well



Attorney Peter Gough's new co-worker, Fin, takes a leisurely stroll through the flowers on his lunch break. Fin has been helping Peter work on all his cases during the stay-at-home order. Peter tells us he is doing excellent work!

# ESSENTIAL LEGAL DOCUMENTS FOR SCARY TIMES

At the law firm of QuatriniRafferty, we are in the business of protecting our clients during scary times. Whether your life has been turned upside down by a work injury - an automobile accident - a medical condition - loss of employment - or other unexpected chaos - our 16 experienced attorneys are here to help restore your financial stability and provide you with peace of mind. Today, we want to focus on an essential part of our client protection plan - being prepared with essential legal documents when an unexpected health crisis hits. We call it "The Legal Checkup."





### THE LAST WILL AND TESTAMENT

Why do I need one? If you do not have a properly executed Last Will and Testament, Pennsylvania law will govern how your assets will be distributed upon your death.

What information do you need from me? Who is your primary beneficiary (or beneficiaries)? Who do you want to get your assets if your primary beneficiary dies before you? Are there special gifts you want to give "(i.e., to your church; your favorite niece; a non-profit)? If you have minor children or dependent parents, who do you want to manage their money (i.e. your brother; the bank)? Who do you want to be in charge of administering the estate in conjunction with your attorney at QuatriniRafferty?

Where do I keep my Will? We recommend a fireproof container at home. It is critical that the person you appointed as executor know the location of the Will.

When does my Will take effect? Upon your death.

Do I have to record it at the Courthouse? No. It will be filed (probated) after your death.

### THE DURABLE FINANCIAL POWER OF ATTORNEY

Why do I need one? The POA authorizes someone else to act on your behalf. If you do not have a POA and you become mentally incapacitated, you will need to have a guardian appointed to act on your behalf. A guardianship involves a court appearance requiring medical testimony and a financial accounting. It is both expensive and time consuming and there is no guarantee that the court will appoint the person you would have chosen.

Who should I appoint? You should select someone you trust to manage your finances if you are unable or simply do not wish to handle them any longer. Generally, it should be someone younger than you, with basic common sense.

When does it take effect? You may begin using this document as soon as it is executed, if you no longer wish to handle your finances. However, because it is "durable," you can delay the use of it until you become incapacitated and unable to manage your affairs. Your agent can begin using it at that time. If you later become able to handle matters on your own, the POA can be withdrawn.





What is this? This document combines a medical POA with what is commonly known as a Living Will. The medical POA gives your health care agent (HCA) the authority to make health care decisions for you in the event you are mentally or physically unable to make your own decisions. If you have an end-stage medical condition, the Living Will focuses on medical care you want or do not want that may prolong the process of dying.

Who should I appoint? Any competent individual. Realize that you are placing considerable responsibility on this individual. Note: You may not appoint your doctor or other health care provider as your health care agent unless that person is related to you by blood, marriage, or adoption.



When does it take effect? You may begin using this document as soon as it is executed; however, because it is "durable," you can control the use of it. You can delay the use of it until you become incapacitated and unable to make your own decisions. Your HCA can begin using it at that time. Of course, the Living Will can only be used in conjunction with an end-stage medical condition or other extreme irreversible medical condition in combination with either permanent unconsciousness or the permanent inability to communicate.

Where do I keep my "Living Will"? With your other essential legal documents. Key - make sure your HCA knows where to easily find it upon short notice.

## FREQUENTLY ASKED QUESTIONS

Why do I need an attorney? You are not required to have an attorney prepare your essential legal documents. However, we know from many, many years of experience that "homemade" or "internet" documents provide unpleasant surprises to our clients and their loved ones. There is no substitute to sitting beside an experienced attorney who is listening to your unique life situation and knows the right questions to ask and the right guidance to give. Furthermore, we see the stress melt away when our clients know that professional answers are literally right down the street!

Do the documents need notarized? We notarize all documents. (We have multiple notaries on staff.) This avoids "surprises" and challenges to the authenticity of your signature and, in the case of your Will, simplifies the filing of it.

What does it cost? An uncomplicated Will, POA, and Living Will generally cost less than you think.

Are you preparing these essential documents during the COVID-19 pandemic? Yes. We have safe practices in place to get your documents done now to provide you peace of mind.

