

**QUESTION 4 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II  
OR IN EXAMPLIFY ANSWER SCREEN 4**

Joe Smith arrives at your law office for advice on a potential workers' compensation claim. Joe explains that he is an employee of ABC Company (ABC), a mail order warehouse in Pleasantview, Michigan. He tells you that last year he suffered a non-work related sports injury to his back, necessitating a visit to his doctor. He has had back pain off and on since that sports injury. Two months ago at work, Joe lifted a heavy box in performance of his job, and the lift triggered a flare-up of his back problem. Joe returned to his doctor, and his doctor advised him not to return to any work requiring lifting over 20 lbs. All of ABC's jobs entail lifting over 20 lbs. As a result, Joe has not worked for the past two months.

Joe asks if the lifting incident at work, and his current back problems, qualify as a compensable personal injury for workers' compensation purposes. And, if so, can he be considered disabled and entitled to weekly wage loss benefits for his time lost from work.

Applying Michigan workers' compensation law, answer both of the following questions:

1. Do you have enough information to advise Joe whether he has sustained a compensable work-related back injury? If so, explain why and whether he sustained a compensable work-related back injury. If not, what further information would you need?

2. Assuming Joe has suffered a compensable work injury, do you have sufficient information to advise Joe whether he also suffered a disability? If so, explain why and whether he suffered a disability. If not, what further information would you need?

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