

## Insurance Law Quiz #7

### Question #1 (16 points)

For an injury to be covered as an "accidental injury" under the Workers' Compensation Act, the injury must result from unusual activity. What court gave this holding?

- A. The Maryland Court of Appeals in *Harris*
- B. The Maryland Court of Special Appeals in *Harris*
- C. Both A and B
- D. Neither A nor B

### Question #2 (14 points)

In *Design Kitchens*, whose opinion supported the notion that the fact that a employee was undocumented is no bar to his/her receipt of workers' compensation benefits?

- A. The majority opinion
- B. The dissenting opinion
- C. Both A & B
- D. Neither A nor B

Why this is true  
but not right

### Question #3 (14 points) True, False or It Depends

The Maryland Workers' Compensation Act provides employees with compensation for loss of earning capacity, resulting from accidental injury occurring in the course of employment, even if the accident is solely the employee's fault. *It depends → can it intentionally cause or be drunk*

### Question #4 (14 points) True, False or It Depends

Employers who purchase workers' compensation insurance and otherwise comply with the law of workers' compensation can avoid lawsuits couched in negligence

### Question #5 (14 points) True, False or It Depends

The critical question of debate in *Design Kitchens* was whether the statute that defines covered employees (Maryland Labor and Employment Code § 9-202) was ambiguous. *False*

### Question #6 (14 points)

Workers' Compensation commissioner finds in favor of the injured worker on the question of whether the employee's herniated disc was a work related accident? The employer appeals and is given a *de novo* trial in Circuit Court? Who bears the burden of proof? *Employer*

### Question #7 (14 points)

Assume that an insured seeks to change the beneficiary of her life insurance policy in a jurisdiction that does not require technical compliance with the policy's requirements to change the beneficiary. The insured dies. Circle each of the following statements that must be true for an insured to effectively change her life insurance policy?

- A. There is evidence the insured intended to change the beneficiary.
- B. There is evidence the insured took affirmative action or otherwise did substantially all that she could to demonstrate that intention.
- C. There is some non-oral evidence of intent to change the beneficiary.

100

## Insurance Law Quiz #7

### Question #1 (16 points)

For an injury to be covered as an "accidental injury" under the Workers' Compensation Act, the injury must result from unusual activity. What court gave this holding?

- A. The Maryland Court of Appeals in *Harris*
- B. The Maryland Court of Special Appeals in *Harris*
- C. Both A and B
- D. Neither A nor B

### Question #2 (14 points)

In *Design Kitchens*, whose opinion supported the notion that the fact that a employee was undocumented is no bar to his/her receipt of workers' compensation benefits?

- A. The majority opinion
- B. The dissenting opinion
- C. Both A & B
- D. Neither A nor B

### Question #3 (14 points) True, False or It Depends

The Maryland Workers' Compensation Act provides employees with compensation for loss of earning capacity, resulting from accidental injury occurring in the course of employment, even if the accident is solely the employee's fault. *cannot intentionally do it; or be impaired*

### Question #4 (14 points) True, False or It Depends

Employers who purchase workers' compensation insurance and otherwise comply with the law of workers' compensation can avoid lawsuits couched in negligence

### Question #5 (14 points) True, False or It Depends

The critical question of debate in *Design Kitchens* was whether the statute that defines covered employees (Maryland Labor and Employment Code § 9-202) was ambiguous.

### Question #6 (14 points)

Workers' Compensation commissioner finds in favor of the injured worker on the question of whether the employee's herniated disc was a work related accident? The employer appeals and is given a *de novo* trial in Circuit Court? Who bears the burden of proof? *Employer, whoever loses*

### Question #7 (14 points)

Assume that an insured seeks to change the beneficiary of her life insurance policy in a jurisdiction that does not require technical compliance with the policy's requirements to change the beneficiary. The insured dies. Circle each of the following statements that must be true for an insured to effectively change her life insurance policy? *WC Commission bears BOP*

- A. There is evidence the insured intended to change the beneficiary.
- B. There is evidence the insured took affirmative action or otherwise did substantially all that she could to demonstrate that intention.
- C. There is some non-oral evidence of intent to change the beneficiary.