

QUIRKY PERMS: SECTION 2326 UNSCHEDULED LOSSES

(Compliments of Cassandra F. Roberts, Esq., Maria Paris Newill, Esq., & Walt Schmittinger, Esq.)

Body Part	# of Weeks for Total loss	Authority	IAB No.	Superior Court No.	Date
Abdominal Wall	300	Lobley v. Edwin Lobley & Sons	782552		4/19/1996
Air Passages/Larynx	300	Grigione v. Verizon	1260616		10/3/2008
Biliary Tract	300	Jose Medina Ayala v. Diamond State Recycling	1354859		8/01/2013
Bladder	300	Scully v. DuPont	919662		9/04/1996
Bowel	300	Asplundh Tree Co. v. Clark		369 A.2d 1084	1975
Brain**	200	Gabriel v. Midway Tire	1267468		8/07/2007
Brain**	300	Slack v. Raytheon	962763		10/14/1994
Central Nervous System	300	Richard Seeney v. Marvel Construction	1504254		7/20/2021
Diaphragm	300	Lobley v. Edwin Lobley & Sons	782552		4/19/1996
Esophageal	300	Terry Johnson v. Catholic Diocese	1231363		2/15/2010
Face	200	David Gabriel v. Midway Tire	1267468		3/7/2008
Face	200	Stoltzfus v. Pepco Holdings	133894		1/31/2012
Face**	200**	David Gabriel v. Midway Tire	1267468		3/7/2008
Face**	250**	Oswald Cuvilje v. Magic Car Wash	1375223		4/17/2013
Heart/Cardiovascular	300	Richard Seeney v. Marvel Construction	1504254		7/20/2021
Jaw	100	Abrey v. Chrysler	856871		5/05/1995
Kidneys	150 each	Richard Seeney v. Marvel Construction	1504254		7/20/2021
Liver	300	Lawrence Bendistis v. Donald Deavery	1389731		4/22/2016
Labia	150	Donna Sirkis v. LD Caulk	776378		12/9/1988
Lungs	300 each	Kelly v. State	775694		12/09/1985
Nose	100	Michael Elliott v. Star Enterprise	1130419		9/11/2002
Pelvis**	150**	Ahumada v. Citi USA Incorporation	1281709		8/07/2009
Pelvis**	250**	Merrill v. City of Wilmington	1212936		10/11/2005
Pelvis**	300**	Berry v. Racer's Edge	1199854		6/07/2004
Pelvis**	300**	Jose Medina Ayala v. Diamond State Recycling	1354859		8/01/2013
Penis (complete loss)	300	Ostrowski v. Yellow Transp.		2003 WL 22455184	2003
Penis (for sex)	250	Scully v. DuPont	919662		9/04/1996
Penis (for urine)	50	Scully v. DuPont	919662		9/04/1996
Peripheral Nervous System	300	Richard Seeney v. Marvel Construction	1504254		7/20/2021
Rib/Thorax	300	Kuzminski-Brown v. Avon Products	115568		5/28/2001
Scalp (analogous to skin)	300	Dean v. Three Little Bakers	105650		2/06/1998
Scrotum	140	Richard Seeney v. Marvel Construction	1504254		7/20/2021

Sex Function	300	Asplundh Tree Co. v. Clark		369 A.2d. 1084	1975
Sinus	190	Howell v. State	1113154		5/24/2000
Skeleton/Metabolic Bone Disease	300	Richard Seeney v. Marvel Construction	1504254		7/20/2021
Skin	300	Parker v. Amoco	708057		7/11/1984
Skull	60	Antonelli v. Earl	546483		4/16/1990
Smell	175	Marchese v. Durr Industries		1986 WL 13997	11/26/1986
Spleen	60	Phoenix Steel v. Kubinek		1980 WL 687396	7/25/1980
Stomach	300	Fleming v. Quaker City Tree Surgeon	960349		5/19/1993
Taste	175	Lloyd v. Helmark Steel	898394		8/20/1992
Teeth	80	Hurt v. Ponderosa	929062		3/30/1992
Testicle**	80**	Adams v. Perdue	711912		7/09/1993
Testicle**	150 <i>each</i> **	Yeager v. Chrysler Corp.	1275861		5/6/2007
Tinnitus	175	Gabriel v. Midway Tire	1267468		8/07/2007
Tongue	300	Thorpe v. DuPont	940753		8/23/1996
Trigeminal Nerve	110	Jarrell v. Mike's Harley Davidson	1275861		8/6/2007
Trunk/Central Nervous System	300	Richard Seeney v. Marvel Construction	1504254		7/20/2021
Uterus	300	Donovan v. Thriftway	960019		2/03/1989
Venous System	300	John Lowman v. Connective Power Delivery	1188166		10/30/2003
Vestibular System	300	Brown v. State	878528		9/25/1991
Vocal Cords	175	Annette McClafferty v. Acme	1159718		6/18/2002
Voice/Speech	175	Griglione v. Verizon	1260616		10/3/2008

MISCELLANEOUS

- **Hip is treated as the lower extremity [250 weeks]; Shoulder is treated as the upper extremity [250 weeks]**
- **Loss of 4 fingers is treated as an impairment to the hand [250 weeks]**
- **No permanency for psychiatric. Ramey v. Delaware Materials, 399 A 2d 205 (1979)**
- **Where loss of taste is solely due to loss of smell, can only collect for loss of smell. William Meyer v. ITT Flight Operations, IAB #1297955 (9/21/10)**
- **In situations involving maximum rate, permanency is deemed fixed 1 year post-accident or 1 year post-operative if surgery was performed. Disfigurement is deemed permanent 6 months post-accident or post-surgery**

**Conflicting Decisions