



7 Mistakes That Can Derail FELA Benefits

Railroad accidents can leave workers with severe, and sometimes fatal, injuries. At Rossi Vucinovich PC, we have been helping injured railroad workers for more than 50 years. We have seen, firsthand, the debilitating effect a work-related railroad accident has on our clients' ability to work and live their lives.

We have the ideal injury lawyer that is committed to helping you protect your rights under the Federal Employers' Liability Act (FELA) and maximize your compensation. Contact us today.

Rossi Vucinovich PC has more than 50 years of FELA experience. From our office in Seattle, we represent injured railroad workers throughout Washington, Oregon, Colorado and the greater northwest.

Mistake #1: Assuming You're Covered By Workman's Compensation And Not FELA

FELA is a federal law that was created to protect railroad workers who are injured on the job. Because railroad work is interstate, workers are not covered by state workers' compensation laws. Your only path to recovery after a work-related injury is under FELA.

Mistake #2: Not Consulting Your Union-Designated Legal Counsel Immediately

Under FELA you must prove the railroad was negligent in order to obtain benefits. Speaking with the railroad's claims department about the accident or your injury is risky and could jeopardize your chances of obtaining compensation. Do NOT sign any papers or medical releases or make any statements orally or in writing before consulting with an attorney.

Mistake #3: Not Knowing Your Medical Care Rights

You have the right to select your doctor, and you should obtain medical treatment from your choice of doctor, including going to the ER if necessary, when you are injured. Your supervisor or a company representative does NOT have the right to go with you to your doctor. Any conversations you have with your doctor are privileged and may not be shared with your employer without your consent. This includes your diagnoses, treatment options, prognosis and any discussion regarding when you can return to work. The only person you should discuss your medical information with, other than your doctor, is your union-designated legal counsel.

Mistake #4: Misunderstanding Work-Related Injuries

Two types of railroad work-related injuries are covered by FELA: on-the-job injuries and injuries due to work duties.

On-the-job injuries are injuries that occur while you are actively clocked in at work. These include injuries due to accidents such as fires on the train, brake malfunctions, defective equipment, collisions, ladder or platform accidents, unsafe work procedures.

Injuries due to work duties include physical disabilities that may occur later in life but can be traced back to your work duties. Common examples of these injuries include lung cancer, whole body vibration (WBV), bumps and vibration shock, repetitive stress injuries and other injuries caused by long-term exposure.

Mistake #5: Thinking Legal Counsel Is Not Important

You have the right to talk to an attorney and the railroad cannot punish you or fire you for talking to one. One of the biggest mistakes injured railroad workers make is not thinking they need an attorney. The railroad company will have its own lawyers fighting your claim. You need someone with equal experience fighting in your corner.

Mistake #6: Not Using Your Union-Designated Legal Counsel

FELA is a unique area of law. Attorneys who handle these cases must be well-versed in the procedures, rules and timelines governing your claim. Your union designates lawyers who are experienced and skilled in handling train injury cases. These lawyers also often have substantially lower fees than do average personal injury attorneys. It is in your best interests to hire a union-designated attorney to work on your case.

Mistake #7: Missing Deadlines And Not Understanding FELA Limitations

You have three years to bring a claim under FELA. If you miss this deadline you will not be able to get compensation. Claims brought under FELA are subject to many strict rules and procedures. One misstep and you could accidentally forfeit your rights. Do not attempt to handle your own claim and do not hire an attorney who is inexperienced in FELA claims. The best way to protect yourself is to work with union-designated legal counsel.

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