

# *Nevada*

## Workers' Compensation Law Blog

NEWS & UPDATES ON WORKERS' COMPENSATION LAWS & HELPFUL INFORMATION ON THE CLAIMS PROCESS

POSTED ON OCTOBER 7, 2010 BY [VIRGINIA HUNT](#)

## Construction Accidents

With unemployment in Nevada at an all-time high, construction workers who are injured on the job are afraid to report and file workers' compensation claims. However, those who delay and then discover that they have a serious injury that may require surgery will regret that they did not follow the steps below. The risk of your employer taking adverse action against you for reporting an injury and getting immediate medical attention is far less than the risk of having a claim denied when it is filed late. Employers know that they can be sued for wrongful termination if they fire an employee because the employee pursued a workers' compensation claim.

When in doubt, do the following:

### **Report your injury on time and in writing.**

Follow the employer's policies on reporting job injuries. Nevada law requires that injured workers report work injuries to their employers within 7 days. However, many employers have policies that require **immediate notification** to a supervisor. Even if your supervisor makes a snide comment, ignore the comment, and stick to the procedure for reporting injuries immediately in writing.

### **Submit to any drug testing your employer requires.**

Employers often require that you immediately report your injury so that you can be drug and alcohol tested. If you test positive, in addition to your employer

terminating you, your claim will probably be denied. However, there is a rebuttable presumption that the accident was caused by your being under the influence. Contact an experienced Nevada workers' compensation attorney, particular if you test positive for marijuana, and the denial may be reversed through litigation.

**File a workers' compensation claim when you get medical care.**

If you chose not report your injury and use your private health insurance, it is very difficult to later file a claim and get it accepted. Many workers do not want to anger their employers by reporting a job injury, and they hope that their injury is not serious. However, if the injury turns out to be serious, you will probably have your late claim denied. You will then lose valuable benefits available to injured workers under Nevada law unless your attorney can successfully reverse the claim denial.

**Appeal claim denials.**

Insurers love to deny claims where the insurer can show that the injured worker treated for the same condition or injury in the past. However, with good legal representation, most of these claims involving pre-existing conditions can be won for the injured worker.

**Investigate for third party liability.**

If the accident was caused by someone who is not your co-worker or your employer, you may have a personal injury claim in addition to a workers' compensation claim, and be entitled to recover additional money. Only an experienced attorney will be able to tell you whether the exclusive remedy doctrine applies to your particular facts, and advise you whether you may also pursue a personal injury claim.