

NEW MEXICO INJURY ATTORNEY BLOG

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ATTORNEYS AT LAW

New Mexico Employers Not Protected from Work Injury Lawsuits in the Absence of Worker's Compensation Insurance

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In New Mexico, the Worker's Compensation Act was purportedly enacted to protect workers for on the job injuries. The Act it is said provides certainly to an injured worker who can obtain needed medical care and lost wages for [work related injuries](#). This is partly true.

The Act does provide for medical coverage and a portion of lost wages for injured workers. The lost wages are limited in both time and amount. Typically, the allowable recovery for lost wages leaves the injured worker largely uncompensated. At the rates provided under the Act, lost wages will often leave an injured worker and his or her family in severe financial hardship.

Unfortunately for most injured workers, no matter how serious the injury or how the injury was caused, recovery for [personal injuries](#) is limited to medical expense and lost wages as set forth by the Act. This means that workers, except under very rarely circumstances, cannot sue their employer for personal injuries even if the employer caused the injuries.

However, in order to obtain protection under the Workers Compensation Act, the employer must carry workers compensation insurance as mandated under the Act. As a result, those employers who do not comply with the insurance coverage requirements under the Act are fully exposed to personal injury lawsuits for injuries to their workers.

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In short, if you are injured on the job, and your employer does not have workers compensation insurance, then you may sue to the employer in tort for personal injuries. Because the uninsured employer is not protected under the Act, the employer is fully [liable](#) for all [damages](#) recoverable in a personal injury lawsuit.

If you or a loved one have been injured on the job, you should immediately make a worker's compensation claim. We do not handle worker's compensation claims at Collins & Collins, P.C. There are very short and critical deadlines for worker's compensation claims. Therefore you should contact a worker's compensation attorney immediately if you have any questions. There a number of very good worker's compensation attorneys Albuquerque and elsewhere throughout New Mexico.

If your employer does not have worker's compensation insurance and the accident was caused by unsafe working conditions or other negligent actions of your employer, then you should contact an [experienced personal injury attorney](#) to evaluate your claims. In the absence of worker's compensation insurance, you may be able to recover through a personal injury lawsuit. In fact, depending on the circumstances, your recovery may be far greater in a personal injury lawsuit than it would have been through worker's compensation.

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