

Nevada Workers' Compensation Law Blog

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True or False: The longer a Nevada workers' comp claimant is out of work, the greater the settlement award?

Apparently, the doctors who wrote the American Medical Association's Guides to the Evaluation of Disease and Injury Causation don't know the answer to this week's question either. Dr. J. Mark Melhorn and Dr. William Ackerman, editors of the 2008 book designed to help workers' comp doctors answer medical causation questions, write that disability in the workplace is rampant in the United States. These docs state in their Foreword that injured workers with poor genetic makeups and preexisting psychological problems share the blame for the work disability epidemic with plaintiffs' lawyers. They write, " The attorneys need to understand that by encouraging the worker to remain off work rather than getting back into the work place, they are actually doing damage to their client."

I wholeheartedly agree that any Nevada attorney who encourages their client to remain off work unnecessarily is doing a great disservice to their client. But are there any work comp attorneys in Nevada advising their clients to stay home longer than necessary? I hope not, because **there is no relationship between how long an injured worker is off work for his injury and his permanent partial disability award at the end of the claim.**

There is no financial advantage to an injured worker in Nevada remaining off work. Most injured workers figure that out immediately. If an injured worker is only getting two-thirds of his wages while he is off work, there is no financial gain to his staying at home. Additionally, the percentage of impairment and the final award at the end of the claim is not determined by how long an injured worker has been out of work. (For more information on how awards are determined, see the articles in this blog on permanent partial disability awards.)

Unfortunately, some of the medical providers who treat injured workers in Nevada do not understand that the vast majority of workers' compensation claimants are hard-working people who want to return to work as quickly as possible. If an injured worker is out of work for a lengthy period of time, that person will invariably **lose money the longer they remain off work.** Any attorney who encourages his client to stay off work unnecessarily does not understand Nevada law. It would be great if the doctors treating injured workers knew a few

things about Nevada law also, so that they do not erroneously think that a patient who tells his doctor that he cannot physically return to work yet is profiting from the system.

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