

Nevada

Workers' Compensation Law Blog

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

Is Filing a Claim the Same As Suing My Employer?

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Q: If I file a workers' compensation claim, does that mean that I am suing my employer?

A: No. When you go to a doctor for your work injury, the doctor should give you a C-4 (Claim for Compensation form) when you tell the doctor that you were hurt at work. Your completion of the upper part of the form, and the doctor's completion of the lower part of that form is absolutely necessary to start the claims process. The doctor's office is responsible for sending the C-4 form to the third party administrator for your employer's industrial insurer. Your employer expects you to follow your employer's rules for reporting injuries, and your employer is required by law to tell you where you should go for medical care where you file the C-4 claim. Filing a claim is not suing your employer. In fact, you cannot legally sue your employer for injuries that arise out of the course and scope of your employment. You are limited to the benefits the Nevada legislature makes available to injured workers under the Nevada Industrial Insurance Act. Your exclusive remedy for obtaining compensation for your injury from your employer is strictly through Nevada workers' compensation laws. That is true even if you can show that your injury was caused by your employer's negligence or your employer's failure to follow safety regulations.

Q: Am I suing my employer if I hire an attorney to represent me?

A: No, an experienced workers compensation attorney will instead obtain all available benefits for you under the Nevada Industrial Insurance Act, or the Nevada Occupational Disease Act. Most decisions regarding medical treatment and compensation on your claim are made by the adjuster assigned to your claim. If your attorney disagrees with something the adjuster does or does not do, your attorney will file an appeal with the hearings division of the Department of Administration. Most disputes that involve appeals on workers compensation claims are between the injured worker and the third party administrator for your employer's insurer. Sometimes the employer takes a position on a particular issue and is involved in a hearing, but you are still not suing your employer by filing appeals. Most injured workers like their employers and hope to return to the same job after they recover from their injuries. An experienced workers' comp lawyer will not want to do anything that disrupts your good relationship with your employer.

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