

Nevada
Workers' Compensation Law Blog
NEWS & UPDATES ON WORKERS' COMPENSATION LAWS & HELPFUL INFORMATION ON THE CLAIMS PROCESS

Is Your Staircase Injury Work-Related?

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Good news for injured workers. The Nevada Supreme Court recently issued a new decision clarifying when an injured worker's accident while walking down stairs at work is considered work-related and compensable. In [Rio All Suite Hotel & Casino v. Phillips](#), the Court held that a poker dealer's ankle injury was compensable. The dealer was walking down the stairs that lead to the employee's break room when she twisted her ankle. There was no debris on the stairs and the stairs were not dangerous. The court noted that the dealer was required to use this particular set of stairs six times per shift, and because she was exposed to a significantly greater risk of falling on these stairs than the general public, her inexplicable ankle injury on the stairs was job-related.

Under an "increased-risk test" adopted by the court, an employee has a workers' comp claim if he is subjected to a risk greater than that to which the general public is exposed. Examples of an increased risk would be when the employee is exposed to a common risk more frequently than the general public, or when steps are an unusual height, or when the manner in which an employee is required to descend steps increases the risk of falling. Whether a fall is explained or unexplained is irrelevant. A prior decision from the court in [Mitchell v. Clark County Sch. Dist.](#), 121 Nev. 179 (2005) held that an employee who fell on a flat surface at work while walking toward a staircase and then inexplicably rolled down the stairs did not have a compensable claim.

If you are injured while ascending or descending stairs at work, and your claim is denied, you should consult with an experienced workers' compensation attorney right away. Ever since the court decided the

Mitchell case in 2005, adjusters have been denying all accidents involving staircases at work. While we can expect adjusters to continue to deny legitimate claims, an injured worker can now argue that the Nevada Supreme Court never intended for every staircase claim to be denied. The facts of each claim are very important. Make sure that you bring a copy of all documents concerning your claim when you go for a free consultation with an attorney on your denied claim.

Virginia Hunt Law Office
1945 E. Warm Springs Road,
Las Vegas, NV 89119
Phone: (702) 699-5336
Fax: (702) 731-9097
Email: virginia@huntlawoffice.com