

What Defenses Are Available To Employers under the Alabama Workers Compensation Act

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An employer may not defend against a claim for Workers' Compensation benefits on the grounds that the Employee's own negligence contributed to the injury. The Employee will be compensated even if his own carelessness caused or contributed. The employer may, however, defend against a Workers' Compensation claim on the following grounds:

1. The injury was caused by the Employee's willful misconduct, intoxication, or willful failure to use safety equipment or follow safety regulations. Intoxication includes being under the influence of alcohol or being impaired by drugs. Subject to certain legal limitations, employers may test injured Employees for drugs or alcohol, and positive tests may prevent an Employee from receiving any Workers' Compensation benefits.
2. The disability is attributable to a disabling condition existing before the injury. The employer is liable only for the amount of disability that would have occurred had the earlier disabling injury or condition not existed. If there is no medical evidence that an Employee's disability is the result of his on-the-job injury, the employer is not liable for Workers' Compensation benefits.
3. The Employee makes a false representation in writing concerning previous claims for compensation. The employer must show a connection between the false representations and the injury.
4. The lawsuit claiming benefits is not filed within the time limitations provided by the Act. In the case of injury by accident, the period is two years after the accident or last payment of disability benefits. If the case of occupational disease, the period is two years from the date of last exposure to the condition that

caused the disease. If the employer makes false representations to the Employee, or conceals information from the Employee about his claim, the time limits may be stopped from running. The payment of medical benefits by an employer does not extend the time limits.

5. If a death that is the subject of a claim did not occur within three years after the accident.

6. If the injury was the result of assault by a co-Employee or other person at work but not related to the injured Employee's employment. If the assault is simply the result of anger or ill will, but unrelated to work or some work condition, then it is not compensable under the Act.

7. If the injury results from an "idiopathic fall," such as a result of some personal condition like a heart attack or epilepsy, unrelated to work or some work condition.

8. If the injury results from an accident occurring while an Employee is traveling to and from work, unless the employer furnishes transportation or the Employee performs work-related service while traveling to work or home. If the traveling can be shown to be in furtherance of the Employee's work, then the injury may be in the course of employment.

9. Employees claiming benefits for cumulative trauma disorders such as carpal tunnel must prove that the condition is work-related by "clear and convincing evidence." This is a higher burden of proof than for other injuries and requires definitive medical evidence that the Employee's job duties caused the injury.

10. If an injured Employee receives benefits from a disability plan or similar plan, paid for by the employer, that provides sick pay, the employer may then offset amounts paid by that plan from the amount of disability benefits owed. For every week that an employer that chooses to continue the salary of an injured Employee, the employer is entitled to offset a week of Workers' Compensation benefits.