

The FELA: How It Works For You

THE STATUTE

Every common carrier by railroad while engaging in commerce between any of the several States shall be liable in damages to any person suffering injury while he is employed by such carrier for such injury resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier by reason of defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track roadbed, works, boats, wharves, or other equipment. 45 United States Code, Section 51

LIMITATIONS

Any FELA Claim must be filed in court within three (3) years of the day the cause of action accrues.

INJURY

Any injury related to your job is covered by the FELA.

Traumatic Injuries - spinal injuries, broken bones, burns, torn ligaments.

Cumulative Injuries - injuries which occur over time due to repetitive motion or stress.

Occupational Diseases - injuries resulting from exposure to hazardous substances while at work such as asbestos, welding fumes, silica, chemical cleaning solvents, and lead.

DUTY

The Railroad has a non-delegable duty to provide you with a safe place to work. The Duty Includes:

- * - Inspecting your workplace to eliminate hazards
- * - Warning you of hazards which are not obvious
- * - Training you and other employees in safe work practices
- * - Complying with safety statutes, regulations, and practices, including their own safety and operating rules
- * - Providing you with safe and appropriate tools and equipment, including protective equipment
- * - Assigning you to do work within your physical capabilities and for which you and your co-workers have been properly trained
- * - This duty is the railroad's alone. They cannot escape liability for your injuries simply because some other party contributed to your injuries
- * - In the absence of notice or knowledge to the contrary, you are entitled to assume that the railroad has made your workplace safe

NEGLIGENCE AND CAUSATION

You **MUST** prove that the railroad was negligent in causing your injuries. No railroad negligence means no monetary recovery for you regardless of the amount of your losses.

However, the FELA, unlike State Laws, provides that you may recover money damages if the railroad's negligence was a cause **HOWEVER SLIGHT, IN WHOLE OR IN PART**, of your injuries.

COMPARATIVE NEGLIGENCE

Simply put, if your actions helped cause your own injuries, your money damages are reduced by the percentage of your own fault unlike State Laws which may eliminate all recovery if you contribute to your own injury.

Example: You are 20% at fault in causing the accident and the railroad is 80% at fault. If a jury awards you \$100,000.00, You would receive \$80,000.00 which is the percentage of your damages caused by Railroad negligence

DAMAGES

To recover money for your injuries, you must prove that you have been damaged by Railroad negligence. The FELA allows money damages for the following injuries:

- * **LOST WAGES** - You may recover your lost wages, past and future, net of income taxes.
- * **PAIN AND SUFFERING** - You may recover your physical and emotional pain and suffering in the past and into the future.
- * **MEDICAL BILLS** - You may recover your past and future medical expenses. This does not mean that the railroad will pay your health insurance premiums into the future.
- * **LOSS OF BENEFITS INCLUDING PENSION** - If you are unable to return to work because of your injuries, you may recover the present value of your lost fringe benefits and reduction of your retirement
- * **DISABILITY AND DISFIGUREMENT RESULTING FROM THE INJURY**
- * **AGGRAVATION OF PRE-EXISTING CONDITIONS**
- * **NO CLAIMS FOR YOUR SPOUSE/NO PUNITIVE DAMAGES**

For more information please contact us at 1-800-376-0538