



# Ankin Law Office LLC

Protecting the Rights of Injured Workers

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## US Supreme Court On Railroad's Liability for Injury

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To what extent is a railroad carrier liable under the Federal Employers' Liability Act (FELA) to an employee injured while at work? The Supreme Court of the United States considered this very issue in a recent case that arose in Illinois, *CSX Transportation Inc. v. McBride*, No. 10-235.

McBride was a locomotive engineer for CSX when he was injured while switching rail cars, sustaining a serious injury to his hand. He filed suit against his employer under FELA and CSX was found to be liable following a jury trial.

CSX appealed, arguing that the jury should have been instructed that liability could only be found under FELA if it was shown that CSX's negligence was the "proximate cause" of McBride's injury. At trial, the court disagreed with this argument and instead, informed the jury that: "Defendant 'caused or contributed to' Plaintiff's injury if Defendant's negligence played a part—no matter how small—in bringing about the injury. The mere fact that an injury occurred does not necessarily mean that the injury was caused by negligence."

In reaching its determination as to the proper causation instruction, the Supreme Court analyzed the legislative intent behind FELA and reviewed case precedent. It then concluded that the trial court's instruction on causation was correct:

(I)t is not error in a FELA case to refuse a charge embracing stock proximate cause terminology. Juries in such cases are properly instructed that a defendant railroad "caused or contributed to" a railroad worker's injury "if [the railroad's] negligence played a part—no matter how small—in bringing about the injury." That, indeed, is the test Congress prescribed for proximate causation in FELA cases.

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So, for railroad employee's bringing a lawsuit under FELA to recover for injuries sustained on the job, all that is needed is to prove that the employer's negligence somehow contributed to the accident. It is not necessary to establish the higher standard of proximate cause, as is required in ordinary personal injury cases.

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