

Nevada
Workers' Compensation Law Blog

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

Nevada Workers' Compensation Law Blog

Posted at 7:11 AM on November 27, 2009 by Virginia Hunt

Why Report an Injury?

The Las Vegas Sun ran an [editorial](#) on 11/18/09 on the under reporting of work place injuries, urging that OSHA do a better job in accurately counting the number of work injuries and illnesses. The editorial stated that workers often don't report an industrial injury because they are frightened that they will be fired, disciplined, or will lose wages from time off if they report an injury. In these difficult economic times when many Nevadans are lucky to have any work at all, the incidence of under reporting and late reporting is even greater. However, the reasons for reporting a work place injury are more important than ever. If you have recently suffered a work place injury, please consider the following:

1. Most injured workers know their bodies well, and can tell within 72 hours whether they have a serious injury that requires medical attention. Nevada law requires that an employee make a written accident report to his employer within 7 days of the accident. Most Nevada employers additionally require that employees immediately notify their supervisor of a work-related injury or illness. Employers and claims adjusters are quick to deny claims when the employee takes a "wait and see" approach to reporting and filing a claim, particularly if the employee first gets medical care using private insurance instead of going to the designated clinic for work injuries. Many employers will also see a delay in reporting as a deliberate attempt to avoid a post-accident drug and alcohol test.
2. The risk of having a legitimate claim denied because the employee was late in reporting the injury far outweighs the risk of an employer trying to take adverse action against the employee for reporting an injury. In over 15 years practicing workers' compensation law in Nevada, I have only seen two employers stupid enough to fire employees for the reason that the employees reporting an injury and filed a claim, and both of those employers paid additional money to those clients on the advice of their attorneys to avoid lawsuits against them. Since 1984, the Nevada Supreme Court has held that an employee may sue his employer directly for wrongful discharge if the employer fires her for filing a workers compensation claim.
3. If an employee waits until they are laid off or terminated before filing a claim, there is a presumption in the law that the claim is not valid. The employee will likely have to go through the appeals process and will have a more difficult time trying to get the claim accepted.

4. Some injuries, such as serious hand injuries, require immediate medical treatment to avoid permanent disability. While concerns about how your employer will react to your reporting and filing an injury claim are understandable, your health and future ability to earn a living are more important. Employers are rarely penalized in Nevada for trying to negatively influence employees from filing injury claims. Hearings and appeals officers are seldom sympathetic to employees who delay filing claims because they fear retaliation of some kind from the employer. The best protection an employee has is to immediately file a written accident report with the employer and to comply with the employer's injury procedures. The employee must simply ignore any inappropriate comments or any disapproving looks from supervisors or safety directors when reporting the injury and obtaining medical care.

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