

HILDEBRAND, McLEOD & NELSON, INC.

Experienced Trial Lawyers Working for Railroad Workers
Designated Legal Counsel

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TO THE INJURED RAILROAD WORKER:

If you become injured at work, there are several things that should be done after the injury.

- Remember — The FELA is fault based and the railroad will want to argue that this injury is your fault.
- Make mental and written notes of the location and/or equipment involved in the injury, take photographs if possible.
- Have coworkers take notes of the accident scene i.e. location, equipment involved, witnesses and the area surrounding the accident scene. What work was being performed at the time of the injury? What repairs or cleanup was done after the accident?
- Immediately contact your Local Union Representative or Designated Legal Counsel.
- Limit speaking to any company official.
- Do not give any written or taped statements to any company official as you are not required to do so under any law or rule.
- Do not allow company officials in the examination room to talk with you, your family, or your doctor.
- You must fill out an accident report for the company, but not until you are mentally and physically able. It should not be done in the examination room, while under medication, or the stress of being injured. Wait until you can reflect on what happened and why it happened.
- Have your Local Union Representative or Designated Legal Counsel help you fill out the accident report when you have recovered enough to think clearly and can accurately answer all the questions on the accident report.
- Designated Legal Counsel will protect the rights you have under the FELA. You are not covered under any individual state worker's compensation plan.

IF YOU ARE INJURED

IMPORTANT MEDICAL INFORMATION FOR MEDICAL PROVIDERS:

- All medical bills are paid through the employee's group health insurance policy.
- Railroad workers do not have any rights under individual state worker's compensation plans.
- When injured on the job, railroad workers are governed by the Federal Employer's Liability Act ("FELA").
- FELA does not have a medical provision clause.
- The employer railroad does not have a right to talk to the employee's medical providers, obtain medical records, or participate in medical examinations without the employee's prior approval.
- All medical bills are paid through the employee's group health insurance policy.
- The employer railroad might process the bills, but that does not waive the employee's doctor/patient privilege.

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Representing injured railroad workers
since 1926