

Could My Back Injury Be Job Related? If So, What Now?

March 13, 2014 | by Thomas F. Dorn, Jr

Dear Ask the Attorney:

I work in a local factory where I lift heavy boxes all day long. I have been dealing with a lower back injury which I believe was caused at work but my bosses tell me it's not related to what I do for a living. I can't afford to lose my job, but I really don't want this to become a permanent injury. Is there anything I can do?

P. H.

Dear P.H.:

Your question raises several potential issues depending upon the circumstances of your low back injury and whether you can demonstrate that is related to your work. You should contact a workers' compensation attorney and provide the specific details of your job duties and a description of your injuries.

Workers' compensation courts in New Jersey permit the filing of two types of cases:

- an accident case in which a worker is injured on a specific date and time, and
- an occupational exposure case in which a worker develops an injury over a period of time.

Your injury, which you believe developed from lifting heavy boxes during your workday, could fall into the second category—an occupational exposure case.

An injured worker must demonstrate both a legal and a medical cause in order to successfully prove an occupational exposure case. What this means is that there must be proof that your low back injury is connected or related to your work and that there is medical evidence that your injury was actually caused by the work related exposure. The standard of proof in an occupational case is “by a preponderance of evidence,” which means that it is “more likely than not” that your injury occurred as a result of the nature of your work as opposed to activities performed at home or in your spare time.

You have the right to report your low back problems to your employer and request that a workers’ compensation claim be set up. The workers’ compensation insurance company for your employer may arrange to have you examined by a doctor of their choice to determine if you need treatment for your low back injury and to give an opinion as to whether your injury is work related. If you are denied treatment by your employer you have the right to contact a workers’ compensation attorney to file a workers’ compensation claim petition in the County where you live. An occupational case must be filed within two years of a worker knowing that their injury was job related.

You also expressed concern about losing your job. Under New Jersey law, your employer cannot fire or harass you for pursuing a workers’ compensation claim.

If you believe that your job duties resulted in injuries you have the right to consult with a workers’ compensation attorney to explore any rights that you may have.