

# I Was Injured At Work In New Jersey But Live In New York, Can I Get Workers' Comp?

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April 11, 2013 | by Thomas F. Dorn, Jr

Dear Ask the Attorney:

I live in New York over the border but work in a New Jersey manufacturing plant. I had an accident in the plant and broke my foot and now cannot work until it's healed. Can I get workers comp from my employer even though I live out of state?

M.G

***Our guest blogger today is Thomas F. Dorn, Esq. Mr. Dorn is Counsel to the firm of Einhorn Barbarito and a member of our Workers' Compensation and Personal Injury departments. He was the first attorney in New Jersey to be certified by the Supreme Court as both a Civil Trial and Workers' Compensation Attorney.***

Dear M.G.:

The short answer to your question is yes, you may be able to receive workers' compensation benefits from your employer.

In general, a person has the right to pursue a workers' compensation accident in New Jersey if the accident happened in New Jersey, if they were hired in New Jersey, or they reside in New Jersey provided there are some other employment contacts in New Jersey. Because, according to the facts above, your injury occurred in New Jersey you are permitted to pursue a workers' compensation claim against the workers' compensation insurance company for your employer. In fact, even if your place of employment was in New York but your job involved making deliveries to New Jersey and you were injured in New Jersey you may be eligible to pursue a New Jersey compensation claim because you

were injured in New Jersey.

Your injury should be reported to your company's workers' compensation insurance carrier. As for your injuries, your medical treatment will be chosen by and paid by the workers' compensation insurance company. If you are unable to work for more than seven work days, the workers' compensation insurance company will pay you temporary disability at the rate of 70% of your gross weekly salary until you are cleared by the company doctor to return to work. Also, based upon the fact that you were injured (broken foot) you also have the right to file a claim petition in New Jersey workers' compensation court. Your case will be filed in the County where your employer is located. A judge assigned to your case may ultimately award you some type of monetary award for the injuries that you sustained.

In the opposite situation, if you live in New Jersey but your employer is out of State, there must be some other employment contacts to New Jersey in addition to you living in New Jersey. For example, if the employer advertised in New Jersey seeking to hire New Jersey residents to work in their State, or if the employer has an office in New Jersey, jurisdiction may be in New Jersey so as to allow you to be covered by the New Jersey Workers' Compensation Statute.

You may want to consult with a workers' compensation attorney to help you determine your right to pursue a workers' compensation claim at this time.