

My Injury At Work Was My Fault; Can I File A Case?

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In general, if an accident was your fault there is a belief that you cannot file a claim for your injuries. Why would it be fair to be able to sue if you caused the accident? We are raised to own up to our actions.

In [personal injury](#) cases that are not work related, if an accident is your fault you will probably not be successful if you file a case in New Jersey Superior court. Specifically, in personal injury cases, a percentage of your responsibility may be assigned if you were at fault as well as the other party. Therefore, if you are more than 50% at fault, your case may be dismissed. However, if your injury occurred at work and you are more than 50% at fault you may still be allowed to file a [workers' compensation](#) claim unless the accident was **entirely** your fault.

New Jersey workers' compensation laws are designed to compensate employees for accidental injuries arising out of, and in the course of, their employment. The laws are intended to provide coverage to as many workers as possible. Generally, the injured employee is entitled to recover workers' compensation benefits regardless of fault. However, in limited circumstances, a worker cannot pursue workers' compensation benefits. If an injury at work is intentionally self-inflicted or if intoxication/the unlawful use of controlled dangerous substances are the sole causes of the accident then a worker will not be successful in a workers' compensation claim.

ACCIDENT EXAMPLES:

Here are three (3) examples to illustrate what this means:

1. Let's assume that a worker is under great stress at home because his wife is hospitalized. Then at work, the employee worked five straight days of overtime. Before making his final delivery of the week the worker drinks a few beers at a bar. Right before he reached his final delivery location, the worker falls asleep while driving his company truck. His truck goes off the road and he strikes a tree, causing substantial injuries.
2. A landscaper, working in extreme heat drinks, several beers at lunch. In the afternoon, a co-employee runs over his foot with a lawnmower resulting in a toe amputation.
3. An employee comes to work under the influence of narcotics, walks into the company warehouse and then passes out due to being under the influence resulting in severe head trauma.

In the first example, the employee is permitted to file a workers' compensation claim because he was working, was in his company truck and accidentally fell asleep due to a combination of drinking alcohol, being tired from his work and from his stress at home. The fact that the accident was his fault or partially related to alcohol consumption does not prevent him from filing a workers' compensation claim. Even if the employee was drunk, New Jersey courts have ruled that the employee could still file a compensation claim because other factors (stress and being tired from work) contributed to the accident. In this scenario, alcohol was not the sole cause of his accident. In a civil case in Superior Court, however, the law states that a driver who is intoxicated beyond the legal limit cannot sue the other driver for personal injury.

In the second example, although the landscaper may have been intoxicated and his judgment impaired, the cause of the accident was his co-employee's negligence. The intoxication of the injured worker was not the sole cause of the accident. The fact that a company machine (lawnmower) caused the injury is further proof that the sole cause of the accident was not alcohol. It should be noted that there is no reduction for an employee's injury award in court. The employee receives an award from a workers' compensation judge without any deduction for a percentage of fault. (In civil cases in Superior Court, a jury assesses percentages of fault and an injured plaintiff's overall monetary award can be reduced up to 50% if the plaintiff was partially at fault.)

In the last example, the employee should not be successful if he pursues a workers' compensation claim. Although the injury happened at work, the sole cause of the employee passing out was his being under the influence of narcotics. He could have sustained the same injury at home. The fact that he was at work does not turn his injury into a compensable claim. His injury did not arise out of his employment. It resulted solely from the worker's use of illegal narcotics.

Although many cases are filed by employees against their employer in workers' compensation court, the courts rarely dismiss cases if an employee was somehow at fault. There is a strong public policy in New Jersey to afford coverage to accidents at work. Even though, compared to Superior Court civil cases, this seems to fly against our beliefs that you have to be held personally responsible if you cause an accident, the injured worker is protected at practically all costs by New Jersey workers' compensation laws.

- See more at: [/businesslawblog/2013/09/19/my-injury-at-work-was-my-fault-can-i-file-a-case/#sthash.hVJhKkad.dpuf](#)