

Occupational Exposure Cases: On the Job Injuries That Develop Over Time

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Since we spend most of our adult lives at work, sometimes people unfortunately get injured at their jobs. In New Jersey, if you are injured at work, the workers' compensation courts allow the filing of two types of cases:

- **Accident Cases** in which a worker is injured on a specific date and time, and
- **Occupational Exposure Cases** in which a worker develops an injury over a period of time

This blog discusses the occupational type of case.

You have seen, heard or read attorney advertisements about diseases like mesothelioma or asbestosis which occurs over many years of working in the construction industry where there is exposure to toxic chemicals and products. However, not all occupational injuries are caused by working in the construction industry. Some can occur while working in an office setting.

Probably the best example for an occupational claim like this is a secretary or administrative assistant who develops carpal tunnel syndrome also known as a repetitive stress injury.

A secretary or administrative assistant spends most of his or her work days typing on a computer keyboard, answering telephones, making photocopies and many other activities that involve using their hands. In some instances, after many years of work, a secretary or administrative assistant may develop carpal tunnel syndrome which is a condition in the wrist that typically develops from overuse of the hands. New Jersey workers' compensation courts have jurisdiction over workers who claim that their carpal tunnel injuries developed due to the nature of their work.

In New Jersey, the official definition of an occupational injury is:

For the purpose of this article, the phrase “compensable occupational disease” shall include all diseases arising out of and in the course of employment, which are due in a material degree to causes and conditions which are or were characteristic of or peculiar to a particular trade, occupation, process or place of employment. (New Jersey Statute 34:15-31)

What this means is that if you were injured because of characteristics or essential parts of your job or occupation, you have the right to file a workers’ compensation claim. Besides proof that the injury is connected or related to your work there must be medical evidence that the injury was actually caused by the work you were/are doing.

In criminal cases, the standard of proof is *beyond a reasonable doubt*. However, the standard of proof in an occupational case is whether the injury *more likely developed due* to the nature of your work as opposed to activities performed at home or in your spare time.

There are other careers that can potentially result in orthopedic (skeletal) injuries. For example, moving company workers, delivery workers, pipefitters, and shipping and receiving workers all have occupations that involve heavy lifting. Over time these workers can develop neck, back or shoulder problems. These types of injuries also fit into the definition of occupational injury.

Besides orthopedic injuries some careers involve constant or frequent exposure to dangerous and toxic fumes, smoke and/or dust. We have all seen photographs of coal miners who were covered in black soot and it is common knowledge that many of these coal miners developed black lung disease.

Some of today’s jobs at risk for fumes, smoke and dust include firemen, toll collectors, factory workers, welders and painters. As mentioned above, some of these types of careers expose workers to carcinogenic chemical elements or other kinds of dangerous materials or fumes. The worker claiming exposure to fumes has to show that the work exposure substantially contributed to the development or aggravation of a medical condition. Typically in these types of exposure to fumes cases, the insurance company for the employer will investigate the possibility that cigarette smoking or some other cause was the cause of the injury, not the job conditions.

If you have an injury that resulted over time while working in your particular job, an occupational case must be filed in workers' compensation court within two years of a worker knowing that their injury was job related.

If you believe that the nature of your job resulted in injuries you have to right to consult with a [workers' compensation attorney](#) to explore any rights that you may have.