

*Nevada*  
**Workers' Compensation Law Blog**  
NEWS & UPDATES ON WORKERS' COMPENSATION LAWS & HELPFUL INFORMATION ON THE CLAIMS PROCESS

## **Work-Related Car Accidents: Do You Need a Personal Injury Lawyer, A Workers Comp Lawyer, or Both?**

*November 4, 2011 by Virginia Hunt*

Many people have jobs that require that they drive while working, and that means they are at risk for job-related car accidents. If the accident and injury is caused by the fault of someone who is not your employer or not a co-worker, then in addition to a workers' compensation claim, you may also have a third-party liability claim. (The term "third-party" refers to someone who is not a co-employee or not your employer. Remember that you may not sue your employer or a co-worker for any job-related accident and injury to you.)

If you are injured in a car accident while you are working, you need to follow the ordinary steps for establishing a workers' compensation claim. You must notify your employer in writing of your accident and injuries, and most importantly, you must go where your employer directs you to go for initial care and to complete the Claim for Compensation C-4 form. It is the C-4 form that starts the workers' compensation claim process. You will want to do this even though the person who hit your vehicle was at fault for the accident so that you have immediate medical and compensation benefits available to you under a workers' compensation claim.

A liability claim involving the insurance company of the person who hit you may take months or years to be resolved. Liability insurers do not pay on a claim until you are done treating and you know the full extent of your injuries so that you can demand for a total settlement. Additionally, you may not have accurate information about the amount of liability insurance available to pay you, the workers' comp insurer, and any other people who were injured in the accident.

Many attorneys who take only personal injury cases are unfamiliar with the workers' compensation system in Nevada. Personal injury cases are tried before experienced arbitrators, district court judges, or juries in Nevada, depending on how serious the injuries are and how much money is involved. Disputed workers' compensation cases are decided by appointed hearings officers and appeals officers employed by the Department of Administration in min-sized courtrooms on S. Rancho Blvd.

Ideally, any attorney you hire to represent you on your personal injury claim against the person who is at fault for the accident should also be knowledgeable about Nevada workers' compensation law. Too many injured workers unnecessarily pay for medical bills from the settlement monies they receive from the third party insurance company when these bills could have been paid by the workers' compensation insurer. Be sure to ask your personal injury attorney whether you should be going to a doctor who on your workers' compensation provider list so that the medical bills are not deducted from your personal injury settlement.

The other big advantage to having a workers' compensation claim established instead of just a personal injury claim, is to get paid compensation benefits to support you and your family if you are unable to work. If you don't also have a work comp claim, then you will have to borrow money for your living expenses until you settle or go to court on your personal injury lawsuit.

It is true that if you have a work comp claim also, the work comp carrier is legally entitled to share any money you receive from the liability insurer . This is called a subrogation lien. However, even though the work comp insurer will have a lien, it is still usually better for the injured worker to have both a workers' comp claim and a personal injury claim. If you like a particular personal injury attorney, but he or she tells you that they will not be handling the workers' compensation portion of your claim, ask for a recommendation of a lawyer who is experienced in workers' comp law. Get reliable information quickly on the workers' comp aspect of your claim, as time limits run quickly . It is not unusual for injured workers to have different kinds of attorneys representing injured workers who have work-related car accidents.

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