



JAY WALLACE AND ROSS ANGUS WILLIAMS SECURE TAKE-NOTHING JUDGMENT IN MILLION DOLLAR-PLUS NONSUBSCRIBER WORK INJURY CLAIM

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Partners Jay M. Wallace and Ross Angus Williams recently secured a take-nothing arbitration ruling in favor of their client, a home furnishings and electronics retailer and nonsubscribing employer. The ruling followed a two-day final evidentiary hearing in the Rio Grande Valley, involving eleven witnesses (including four experts), in a matter brought by a former employee who sustained an injury at work and sought over \$1.1M in damages. The claimant, who worked on a forklift in a warehouse, admitted after his early morning accident that he had taken drugs the night before. This admission was backed-up by a subsequent, post-incident drug test and formed the basis of his employment termination. As the company is a nonsubscribing employer, employee workers' compensation claims are adjudicated through the arbitration process. In this instance, the arbitrator rejected assertions that the company was negligent in its safety policies and procedures, found that the company was not a contributor to the injury sustained, and ruled that the company had provided the employee with a safe way to do his job. The arbitrator ruled the company owes no compensation to the former employee, and largely placed blame for the injury on the employee's drug use.

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