

SAFE HARBOR

A monthly newsletter for the Maritime worker from
The Law Offices of Lyle C. Cavin, Jr.

August 2019



Thank you for your maritime service and taking the time to review our Newsletter. We at the Law Offices of Lyle C. Cavin, Jr. hope you find the following information helpful. If you have any questions regarding your rights or remedies please contact us at any time. We are here to serve you.



FILL OUT YOUR MEDICAL HISTORY PROPERLY!



We have addressed this serious issue in prior issues of our newsletter. We again write how important it is that a seafarer properly complete his medical history when filling out pre-sign on or annual physical history information. A failure to mention prior injuries or illnesses such as orthopedic, respiratory, or circulatory or other serious problems can result in a denial of a subsequent claim for maintenance and cure, and effect any claim for injuries incurred after the completion of these forms. Be sure and take the time to review and truthfully complete these forms to insure later benefits if you fall ill or become injured on a ship!

QUESTION FROM THE BRIDGE

I recently left a ship with a back problem from an injury and started treating with my orthopedic specialist. My lawyer filed suit for my injuries but has now been told that the shipowner is claiming an offset for all of the maintenance and cure provided due to an



old injury. Can they do this?

Oliver, Baton Rouge

Answer: Oliver, this is called the *McCorpen* defense. Indeed, if you failed to complete your pre-sign on medical forms and mention the previous back problem they may be able to succeed with this defense. If you now suffer from the same type of back problem and your previous problem was relatively recent it could jeopardize your maintenance and cure and your overall injury claim. If your previous problem was many years before the chance of their success is diminished.

About Our Law Firm

For more than four decades, merchant mariners, longshoremen, fishermen and harbor workers plying their trades at sea, on the docks, on our U.S. coastal waters and inland waterways have turned to the maritime law firm of Lyle C. Cavin, Jr. & Associates in Oakland. Today, we are proud to be recognized as one of the preeminent maritime law firms serving injured marine workers nationwide, as well as one of the most successful personal injury litigation firms serving victims of negligence in the San Francisco Bay Area and throughout the West Coast.

Team Approach to Every Personal Injury and Jones Act Claim

When you retain Lyle C. Cavin, Jr. & Associates for a Jones Act injury claim, or personal injury claim, you don't get just one attorney, you get our entire team of dedicated professionals. Our attorneys offer many years of courtroom and negotiated claims settlement experience. We will represent your interests with unwavering dedication, speed and expertise.

Law Offices of Lyle C. Cavin, Jr.

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