

SAFE HARBOR

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

August 2021

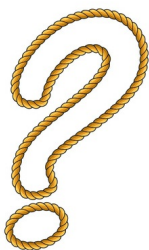


Thank you for your maritime service and taking the time to review our Newsletter. We at the Law Offices of Lyle C. Cavin, Jr. hope you find the following information helpful. If you have any questions regarding your rights or remedies please contact us at any time. We are here to serve you.



ALWAYS PROVIDE TRUTHFUL MEDICAL HISTORY

We have addressed this issue on prior occasions but it is worthy of addressing once again. When claims are made for an injury shipowners are raising the seaman's failure to truthfully disclose their past medical history in any number of medical records. This becomes an issue of credibility for the seaman in perfecting his injury claim. Shipowners focus on the pre-sign on medical documents completed before they commenced their employment with their company as well as annual physical examination records. If there is failure to be candid with past medical issues it becomes a fertile area for shipowners to deny the seaman's current claim. Many seamen either intentionally or unintentionally fail to provide a complete history when completing these forms which can come back to haunt them in a subsequent claim. It is very important to always complete these medical history forms completely and honestly.



QUESTION FROM THE BRIDGE

Question: I have made a claim for maintenance and cure for a recent injury to my hip aboard ship. The shipowner is denying my claim stating that I had a similar injury to my back 15 years earlier and did not put that in my pre-sign on medical history. Do I have any recourse?

Jonathan, Honolulu, HI

Answer: Jonathan, you should be fine but will need to get a lawyer to straighten them out. Even if it was a very similar medical problem, 15 years is a stretch in time for the shipowner to prevail on this defense. To avoid this type of problem in the future, try to provide as complete a history as you can recall.

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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