

SAFE HARBOR

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

August 2015



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.



HAVE YOU EXHAUSTED YOUR UNION REMEDY?



Many seamen are wrongfully terminated by shipowners. This can arise from the misconduct of the seaman, improper conduct by the shipowner, or a combination of factors. Where there exists a collective bargaining agreement between the shipowner and the union, the seaman is bound to follow the grievance procedure outlined in any such agreement. That procedure must first be "exhausted" before any separate legal action can be initiated on behalf of the seaman. The seaman cannot simply file a lawsuit against the shipowner for their improper conduct without first following the detailed contractual requirements.

QUESTION FROM THE BRIDGE

I'm a chief cook and on my last trip the Captain harassed me regarding the



food and menu. I was terminated by him before the end of my service time and now will lose months of wages. I don't think this is fair. Can I sue the company for this?

Larry A., Jacksonville, FL

The first thing you must do is contact your union representative and find out what your collective bargaining agreement says. Usually you will have to first file a formal grievance with your union and exhaust the steps set forth in the agreement. If you follow that procedure and still are not satisfied with the outcome, you should consult a lawyer familiar with maritime law to see if you can file suit. However, if you don't follow the procedure in the collective bargaining agreement first, the shipowner will have a defense to your claim.

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 more than 150 combined 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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