

SAFE HARBOR

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

April 2017



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.



SHOULD YOU REPORT MAINTENANCE PAYMENTS?



A question that we often receive is whether or not to report maintenance received from a shipowner as income, either on your tax returns or on your application for state disability. The answer is no, absolutely not! It may seem counterintuitive, or even just plain wrong not to list maintenance as a source of income. However, under the general maritime law, maintenance means room and board and arises

from the shipowner's obligation to provide food and lodging to an injured seaman. It is a separate non-taxable benefit, not income. That is also the reason you will not receive a tax form from your company reflecting maintenance payments made to you.

QUESTION FROM THE BRIDGE

I have a question regarding maintenance and California State Disability Insurance, "CASDI." I was injured on a ship and I am applying for State Disability. On my application do I need to tell them



that I get \$16 per day in maintenance payments from the company?

Bryan A, Emeryville, CA

Answer:

Dear Bryan,

Great question, and I'm glad you asked before submitting paperwork to CASDI. The short answer is NO, do not list your maintenance payments on the application. If you indicate that you receive \$16 per day in maintenance, they will likely mistakenly withhold that amount from your weekly benefit amount, thinking that it is income. Under the law, it is not considered income and should not be deducted from your benefit amount. However, we frequently see them withhold the money regardless. Once they start deducting it from your payments your only recourse is to attempt to convince them of their mistake. That can be very difficult, if not impossible. Again, under the law, maintenance payments are not income and should not be reported to the good folks at the disability office.

TEMPORARY ADDRESS CHANGE

We have relocated to San Francisco while our new Oakland space undergoes renovation from fire damage. We have offices on both sides of the Bay to serve you! Look for our Oakland opening sometime in late spring. In the meantime, please contact us at

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Our phone and fax remain the same
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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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