

# SAFE HARBOR

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

May 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.



## BEWARE OF EMPLOYMENT MEDICAL QUESTIONNAIRES

Most maritime employers require a pre-employment health questionnaire to be completed. Often workers take this for granted and spend little time completing same. This often comes back to haunt them if they sustain an injury on the job and the failure to disclose a prior medical issue or injury arises.

It is important to complete these employment forms with care and detail. There is likely little in your medical/injury history that will preclude you from being hired. In maritime law there is a defense the shipowner/employer can raise to defeat a claim for maintenance and cure called the "McCorpen Defense", which simply means that the employee failed to disclose previous illnesses or injuries or medical care that become relevant in a current claim. Avoid the problem by completing these forms truthfully and completely on every occasion!



## QUESTION FROM THE BRIDGE

Question: My maintenance and cure has been cut off for a recent back injury. Shipowner claims that I concealed a previous lower extremity injury. I didn't think I had to mention this as it was over 5 years old. Can I get my benefits reinstated?  
Robert, M San Pedro

*Answer: You will need to hire an experienced maritime lawyer who can contest this denial of maintenance and cure. Although the prior problem was 5 years ago, the shipowners look for any excuse to cut off benefits to save money. Because your prior injury was likely not the same area you recently injured you will have a good chance of getting your benefits reinstated. In the future, do not conceal any prior medical issues.*

## 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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