

Jones Act, USL&H, FELA and Defense Base Act

Sedgwick specializes in the unique laws and rules governing maritime, rail and defense base workers' compensation claims.

Claims involving the Jones Act, U.S. Longshore and Harbor (USL&H) Workers' Act, Federal Employers' Liability Act (FELA), and Defense Base Act are among the most challenging in the workers' compensation industry. They are governed by a specific series of laws and regulations that are often misunderstood or overlooked, leading to greater exposure as well as hefty fines for noncompliance. Identifying the proper jurisdictional regulations for each claim is often complicated and errors can be costly and lead to adverse outcomes for the injured employee.

Expertise, jurisdictional knowledge and insights are keys to successful claims resolution. With over 50 years of workers' compensation claims experience, Sedgwick provides the in-depth knowledge necessary to ensure that these claims are processed accurately the first time.

Claims expertise

Our claims specialists are experts in Jones Act claims investigations and litigation support for both U.S. and international incidents. We also provide expert claims administration for USL&H and FELA claims.

Our team has proven experience in managing recoveries with Defense Base Act losses as designated by the War Hazard Act. To further assist our clients, we provide claim-related medical management services for international losses.

In addition to our internal experts, we have established relationships with a network of defense attorneys and field examiners throughout the U.S. who possess the jurisdictional expertise necessary to address complex investigation and legal issues for Jones Act workers' compensation claims.

What Sedgwick brings to maritime claims:

- A network of expert providers and managed care resources who will help your employees get back on the job quickly and safely
- In-depth knowledge of legal, local and jurisdictional regulations to ensure compliance and avoid fines
- Tenured claims analysts and adjusters who will work to resolve claims quickly and accurately
- Comprehensive desktop and site investigations to ensure the legitimacy of each claim
- Advanced technology to provide reports, insights and analysis to continuously improve the claims process

Services and experience

Our combined experience with harbor and rail claims enables the Sedgwick team to carefully analyze every situation and develop a targeted approach to claims resolution. Our expertise and insights help ensure clients pay only for valid claims.

It all starts with in-depth investigations from experienced desktop investigators, as well as field and on-site case managers on every lost-time claim, including accident investigation and review of prior claims. Once the facts of a claim are determined, our examiners work to identify all possible resources to minimize costs, such as subrogation and pre-existing medical conditions.

We also monitor the progress of each claim to uncover any fraudulent behavior and support the process to stop deceptive activities.

Fraud cases uncovered and pursued have saved our clients significant costs and have resulted in sizeable restitutions. They also contribute to the prevention of future fraudulent claims through the sentinel effect.

Addressing challenges

Where the Sedgwick team's expertise truly comes into play is in complex cases where jurisdiction is uncertain or unknown. It's an important skill set to offer our clients. Organizations can experience increased and unnecessary costs for concurrent jurisdictions as they are defending multiple claims with different insurance requirements, and different evidence rules, subrogation actions, settlement procedures and medical fee schedules.

We help to properly coordinate and address exposures in states that have concurrent jurisdiction, streamlining the claims process and ensuring our clients do not make duplicate payments.

Another critical challenge for employers with maritime claims is that penalties for late payments, PPD, orders and First Reports of Incidents are often much more severe than traditional workers' compensation claims. To control costs and minimize penalties, organizations need adjusters that understand the impact of penalties and work hard to avoid fines and remain compliant.

The technology to drive solutions

Our user-driven, state-of-the-art claims platform serves as the foundation for our risk management programs. Our system is the most flexible, efficient and user-friendly claims management technology in the industry today.

The ideal complement to our claims system is the viaOne® suite of tools that gives clients a comprehensive, real-time view of specific claims through a secure website.

Our goal – and our commitment to you – is to manage legitimate claims by helping injured employees get healthy and back on the job or return to full productivity.

Maritime, rail and defense base claims at a glance

- A Jones Act claim is for a crew member serving aboard a vessel in navigation. It is a negligence based cause of action where the crew member must establish negligence. For example, they would need to show whether ship did or did not do something that caused or contributed to the injury. For this reason, these claims are handled more like traditional liability claims.
- Unlike a Jones Act crew member who must prove negligence, USL&H claims are strictly liability claims similar to workers' compensation claims (also known as state act claims). A longshoreman is generally a shore-based employee who engages in maritime responsibilities, such as stevedore activities or ship repairs, but does not necessarily sail with the vessel.
- FELA and Jones Act claims are similar, but FELA claims are for employees engaged in interstate rail operations.
- The Defense Base Act provides compensation and medical treatment for employees who are injured while working on defense bases outside the continental U.S.

Helping employees return to work

While we believe identifying legitimate claims and processing them accurately is a fundamental goal of any maritime program – of equal or perhaps greater importance is getting valued workers back on the job. With one of the most respected workers' compensation programs in the nation, we help ensure injured employees get the right treatment at the right time from providers who understand the nature of maritime injuries and optimal treatment therapies. We also help develop effective, appropriate return to work strategies and find alternate positions if needed.

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To learn more about our maritime, rail and defense base claims services, contact:

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To learn more about our integrated and customized solutions, visit [SEDGWICK.COM](https://www.sedgwick.com)