



Brotherhood of Locomotive Engineers and Trainmen



Mailing:
P.O. Box 185
Gillette, WY 82717

Division 94
Office: 307-682-5031
LC Cell: 307-660-7117

Office:
400 S. Kendrick Ave. Suite 102A
Gillette, WY 82716

Greetings Union Brothers and Sisters,

This mailing is to provide basic information about FELA. The BLET **does not endorse any** law firm or attorney. We no longer have designated legal counsel. It is up to the member to decide how they want to handle any injury. If you are injured or involved in an incident, please contact a union officer to help you; we work for the membership. If a union officer is not available, bring a witness not involved in the incident with you in **ANY** discussion with BNSF officers. Please take the time to read the information enclosed as it will help you understand what to do in the event an incident has happened. Information is available on our website www.blet94.org. An example is the "Railroader's Survival Guide" available in the "downloads" section of our website. If you need help signing up or logging in please contact our webmaster Jason Sogn or any union officer. Further information can be found on www.ble-t.org or the World Wide Web.

The following contact information is for emergencies. Claims and other concerns should be handled during normal business hours.

Local Chairman:
Chuck Browning 307-660-7117

President:
Steve Meier 307-680-4203

1st Vice-Local:
Jason Sogn 307-696-7033

Secretary-Treasurer:
Chad Tuomela 307-680-5209

2nd Vice-Local:
Don Ault 307-299-0397

Legislative Representative:
Larry Nelson 307-680-4038

If you have any questions please let me know.

Chad Tuomela, Division 94 S/T

Steve Meier
President

Chad Tuomela
Secretary-Treasurer

Chuck Browning
Local Chairman

ATTENTION HEALTH CARE PROVIDER

I am an employee of the railroad and I am NOT covered under any workman's compensation law. I am protected under the Federal Employers Liability Act (FELA). This is important to let you know because my employer, the railroad and its agents **ARE NOT** allowed access to my medical records and they **ARE NOT** allowed to discuss my treatment or condition to the doctors that are treating me. If I feel it necessary to allow the Railroad access to my records, I will provide this office with a written request to do so.

My health insurance is negotiated through my Union and the bills will be paid independent of any Railroad involvement or intervention. This is designed to protect my Doctor /Patient private relationship which I value.

Thank you.

Feel free to call 1-800-545-3733 if you have any questions

Please copy this and place it in my file.

RECOMMENDATIONS FOR BLET MEMBERS WHEN SELECTING A PERSONAL INJURY LAWYER

BLET members who are injured on the job possess valuable rights under the Federal Employers' Liability Act (FELA). There are many competent personal injury lawyers who can assist you in protecting those rights and recovering damages from your railroad employer to compensate you for the harm such injuries cause you. The BLET recommends that you contact a lawyer who is a member of the Academy of Rail Labor Attorneys (ARLA), a group of personal injury lawyers who specialize in representing injured railroad workers in FELA cases. Here is a list of questions to assist you in deciding which lawyer can best represent your interests:

- Does the attorney have an established record of successful litigation experience?
- How many FELA cases has the attorney tried before jury?
- What is the attorney's success record at trial?
- Has the attorney tried cases involving the same injury you have suffered?
- Has the attorney tried cases against the same railroad?
- Will the attorney provide you with the names of other railroad employees he/she has represented so that you can ask them about their experiences with the attorney before you decide whom to retain?
- Does the attorney maintain current malpractice insurance in the amount of at least \$1,000,000 per occurrence?
- Does the attorney maintain membership in good standing in the bar of the state in which he or she practices law?
- Has the attorney been suspended or disbarred from the practice of law in any state?
- Will the attorney give injured members free advice in connection with their injury, and render assistance to them in related matters (RUIA, etc.)?
- Will the attorney agree not charge to you more than 25% of the gross settlement or award, or 33 1/3% of the net settlement or award?
- Are the costs you will be charged reasonable and incurred as a direct result of representing you?
- Will you have to pay for those costs during the prosecution of your case or will they be taken out of any settlement or verdict at the end of the case?
- Will you be given, in written form, a full accounting and breakdown of all expenses incurred, fees charged, or any other expenditures or deductions from the proceeds of any settlement or verdict?

- Will you have to pay anything if you lose?
- How will the attorney conduct the investigation and prosecution of your case?
- Will the attorney personally represent you or will he/she refer your case to another attorney for handling? If the latter, will the attorney you retain keep control of the case and remain fully responsible and accountable to you? Will you have the right to meet with and approve the other attorney?
- Does the attorney take an active part in matters of concern to railroad employees and the rail industry, including supporting the legislative programs of the BLET?

You certainly will have other questions that you consider relevant. Do not limit yourself to these. Don't be pressured into making a decision. Only retain an attorney whom you feel fully comfortable is the one who will best represent your interests in a manner which you consider acceptable.

BLET members should be aware that all attorneys are prohibited from engaging, either directly or indirectly, in Union politics at any level of the BLET (the National Division, the General Committees of Adjustment, the Local Divisions, and the National and State Legislative Boards). They may not contribute financially to the campaign of any candidate for union office, promote or otherwise seek support for or against a candidate, nor in any way attempt to influence any Union election or vote on any Union issue.

No BLET officer or employee at any level of the Union is permitted to accept from any attorney any permissible gratuity, payment or gift of any more than \$250 in the aggregate during any calendar year. ("Gratuity, payment or gift" includes both money, tangible items, and services of any kind.) Further, no BLET officer or employee, at any level of the Union, is allowed to accept (a) any gratuity, payment or gift of any amount from any lawyer for the purpose of obtaining representation of an injured member or (b) any portion of any attorney's fee earned in connection with representing any BLET member.



WHAT IS FELA?

When a Railroad worker is hurt on the job his/her right to compensation is governed solely and exclusively by a Federal law known as the Federal Employers' Liability Act, commonly called the FELA. This great body of Law pre-dates State worker compensation laws and applies uniformly throughout all the states. Railroad workers are not covered by any State workers compensation laws. A Railroader working on industry property or back and forth over State lines does not have to worry about what law applies. She/he /YOU are always protected by the FELA while working.

The FELA is a great and powerful Law protecting Injured Railroaders and their families. Fair and complete compensation is the goal and mission statement of the FELA. Under the FELA, an injured railroad worker can recover a wide range of injury-related damages, for example: all past and future lost wages and benefits, past and future pain and suffering, loss of enjoyment of life, medical bills, and out of pocket costs. This complete type of recovery based on the individual and his or her damages is not fully recoverable under State Workers Compensation laws where the benefits available to injured workers tend to be fixed, somewhat arbitrary, incomplete and vary widely from state to state. This broad aspect of recovery is one of many benefits of the FELA. Another such benefit is the Railroads "non-delegable" duty to provide the Railroad worker a reasonable safe place to work. This means an injured Rail does not have to "chase" an industry or non-Railroad at fault party, (like a van company or dead-head contract driver) but need only look to his/her employer Railroad for recovery. Amongst the many other benefits clearly the most important is that the FELA provides the right to a jury trial in either State or Federal court if the case cannot be resolved in settlement negotiations. This powerful weapon when handled properly with knowledge and skill helps promote safety and increases the likelihood of just and full compensation. Workers Compensation is an administrative process and no jury of your peers is ever a part of the process.

Yes, the FELA is indeed a great and powerful Law protecting Injured Railroaders and their families, but it can be complex and it must be properly applied to ensure an injured worker is fairly and completely compensated for his/her injuries. One of these complexities is that the FELA is a Fault based law. To recover under the FELA, it is necessary to first establish some negligence or a violation of a Safety Statute on the part of the railroad. Congress and the Courts have made it clear that the railroad's negligence need only be slight for an employee to recover damages caused "in whole or in part" by the railroad's fault. This fault-based aspect of the FELA makes the facts and circumstances of each on-the-job accident extremely important. From the moment an on-the-job railroad injury takes place the railroad's claim department, with all of its resources, will attempt to demonstrate its "innocence" and place the fault on the injured rail. For example: if the Railroad successfully proves its worker is partly responsible for his/her own injuries then recoverable damages are subject to be reduced by the workers own percentage share of the negligence. For example, if the worker has lost wages and pain and suffering of \$400,000 but is found to be 10% responsible, the recovery might not be the full 400,000 but could very well be reduced by that 10%. Resulting in recoverable damages of 360,000. It is important to note that there are circumstances where the workers proven "comparative fault" will NOT reduce his/her recovery!

In cases where the railroad can be shown to have violated The Federal Safety Appliance Act, The Federal Locomotive Inspection Act, or other Federal railroad safety statute or regulation, the railroad becomes strictly liable for all injuries resulting from that violation even in the face of the injured person's contributory negligence. Therefore, it is essential that the injured Railroader early on seek out free advice and guidance from Union Officers and knowledgeable Legal Counsel like The Bremseth Law Firm to insure fair, complete protection and compensation under the FELA.

The FELA promotes safety as it holds the Railroads accountable to provide its workers with a reasonable safe place to work, and affords them the opportunity to obtain fair, just and complete compensation for the harm caused when the Railroads failed to meet this obligation. There simply is no better worker protection anywhere for an on the job injury, than the FELA. But with over a 100 years of litigation and Court interpretation of the law, if the injured Railroader doesn't seek out knowledgeable independent Legal help, the Railroads will hold the advantage. Just Keep in mind from the moment an on the job railroad injury occurs the Railroad has a conflict of interest. To the degree the Railroad can prove it's the injured rails fault and make it stick, the Railroad will either avoid or reduce what it has to pay out! Relying on the Railroad to "take care of the injured worker" is like the fox guarding the hen house. Independent advice and guidance, with only your best interests in mind, is essential, especially when the injuries threaten ones job and future well-being. Call for free advice and guidance.

Difference between FELA and Workman's Compensation

FELA	Workman's Comp
<ol style="list-style-type: none"> 1. No limit to compensation 2. No money until claim is settled 3. Compensation can include <ol style="list-style-type: none"> a. lost wages and benefits b. medical expenses c. pain and suffering d. loss of enjoyment of life 4. Requires proof of employer negligence 5. Regulated by Federal Government 6. Medical expenses covered by railroad 7. Covers most types of job related injuries 8. Applies equally regardless of location 9. Doctor/Patient confidentiality 10. Provides an incentive for carriers to improve safety 11. Right to a jury trial 	<ol style="list-style-type: none"> 1. Fixed monetary awards 2. You are paid Immediately 3. You are compensated 2/3 of your normal salary 4. Benefits are awarded without fault 5. Limits liability of employer 6. Covers medical expenses 7. Can require job retraining 8. Individual states regulate <ol style="list-style-type: none"> a. Type of injuries covered b. Level of benefit available c. Waiting Periods d. Filing procedures 9. Employers are involved and can dictate your medical treatment 10. Administrative process. No right to jury trial



WHAT OUR LOVED ONES NEED TO KNOW

It is very important for railroad workers, their spouses and their loved ones to be well informed about what is involved if a family member is injured on/off the job.

When a significant disabling injury occurs on the railroad or outside the workplace many responsibilities may fall on the spouse. It can be a very confusing time. Yet, through it all decisions must be made to protect the injured spouse's legal rights and to make sure the family's best short and long term interests are taken care of. In the event of a disabling on the job injury to an unmarried Railroader with minor children or without children, the Railroader's parents or the minor children's legal guardian may be confronted with these same difficult issues. These burdens can be overwhelming especially because railroading is a unique profession that has different specialized laws, regulations, coverages and benefits that need to be understood and protected. Getting experienced, knowledgeable, unbiased help that is totally committed to the injured Rail and his/her family is a must.

One of the unique aspects of working on the railroad is the fact that a railroad employee injured on the job is not covered under any State Workman's Compensation Law but rather is protected under a special Federal law called the Federal Employers Liability Act (FELA). The FELA is a great law passed to help protect and properly compensate the injured railroad employee. The Law however is complicated and very few non FELA lawyers understand it. Only lawyers who specialize in this field know how to apply it on behalf of an injured Rail. Bremseth Law Firm has successfully represented injured railroaders throughout the country for over 35 years. This high level of knowledge and commitment assures the injured employee and his/her family they will be properly protected and justly compensated.

Another important factor of the FELA is that it is a fault based law. This means that when the injury takes place on the job the railroad immediately begins to marshal the evidence to blame the injured employee and exonerate itself. Sophisticated representation and help is necessary early to make sure evidence is protected, rules and regulations are applied properly and medical care is not interfered with by the Railroad. A spouse or parent who is rightly focused on the injured loved one does not have the time, skill or resources to make sure factual investigations are done fairly, that evidence isn't tampered with and treating doctors are not bothered by the railroad.

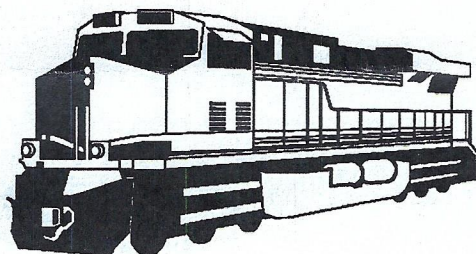
For the injured railroader the FELA is a great body of law, which is often attacked in Congress by the railroads who want it repealed. But in order for FELA to work to the benefit of the injured rail as designed, it needs to be wielded with skill born of an intimate knowledge of how the law works and how it interacts with other laws and regulations unique to the railroad industry. Railroad employees have sickness and disability policies that may cover them for injuries sustained both on

and off the job. Some of these may include Railroad Retirement Benefits, supplemental disability policies and unemployment policies. It is essential to understand which policies exist, how they may help the injured member and his/her family and how they dovetail with each other and the FELA so that the injured family has its immediate needs met and its future protected.

The key is to talk through the unthinkable, to talk through and work through in advance who you will turn to if an injury occurs. It is important to have a plan in place to ease the burdens on you and your family members. This is of course most true in the catastrophic injury scenario, when the injured loved one is not capable of helping to make these decisions. Having your spouse or key family member armed with knowledge about the process and knowing where to look for help will ease the weight of all these burdens so you and your family can concentrate on supporting the injured member and each other.

No matter what the injury may be or who in the family is involved, Bremseth Law has been there for countless railroaders over the years and continues to be here day in and day out. Simply call. There is never an obligation or a cost to call us to get an understanding of your rights.

The checklist on the next page provides some basic steps for a husband, wife or significant other to take in the event their spouse or significant other injured on the job;



ACCIDENT CHECKLIST FOR LOVED ONES TO FOLLOW

What should you do in the event you learn that your railroad spouse or family member has been injured on or off the job?

- Obtain the very best medical care that you can through your own doctors.
- If this is a railroad on the job injury, inform the hospital your injured loved one is not covered under Workman's Compensation and that they should not be talking to the Railroad. Provide them with the Attention Health Care Provider sheet contained in this packet. Point out on the "attention health care provider" sheet that your injured loved one does have good insurance and that it is not necessary to talk to the railroad to get the bill paid.
- Contact The Bremseth Law Firm and union officers for additional information and free, confidential, reliable advice.
- Make sure the accident has been reported to the railroad and to the Union.
- Insist that your injured spouse or family member not be forced to give a recorded or written statement to a claim agent or anyone else until you have had an opportunity to discuss the matter with counsel or Union Officers.
- Write down the names, addresses and phone numbers of anyone who witnessed or has information concerning the accident.
- Keep records of any out-of-pocket expenses due to the accident.
- Apply to the Railroad Retirement Board for sickness benefits to which your spouse should be in entitled under the law.
- If your spouse or family member has a disability insurance policy, contact the Insurance Company to begin receiving payments.
- **Do not give detailed information to anybody without consulting Bremseth Law at 800-545-3733.**

FIVE RIGHTS TO KNOW
IF YOU ARE INJURED ON THE JOB

1. *You have a Federal right to seek and receive immediate medical care and attention for your injuries.* Under the Federal Railroad Safety Act ("FRSA"), it is illegal for the railroad to deny, delay, or interfere with the medical care or first aid treatment of an employee who is injured on the job. If you ask for transportation to a hospital, the railroad is required by the FRSA to promptly arrange to have you transported to the nearest hospital where you can receive safe and appropriate medical care. Do not hesitate to make this request and make it clear.
2. *You have an absolute right under Federal law to complete privacy while you are being examined and treated.* Your supervisor has no right to be present unless you expressly invite the supervisor in.
3. *Your right to medical privacy means your supervisor cannot speak with any of your health providers without your express consent.* You may be asked to provide the railroad with a written authorization allowing them access to your medical records. You do not have to allow this but if you do make sure the authorization does NOT allow the railroad's representatives TO SPEAK with your doctors.
4. *You have an absolute right to choose your own doctor(s) for care and treatment.* Do not let the railroad's claims agent, supervisor, or nurse care manager direct you to the doctor(s) they choose or recommend for medical care and treatment. Remember you have your own, Union negotiated medical coverage which is not dependent on the Railroad having access to your Medical care providers.
5. *IT IS ILLEGAL under the FRSA for a railroad or its representatives to discipline or to threaten to discipline you for requesting medical or first aid treatment, or for following your treating doctors' orders or treatment.* The railroad may, however, require you to undergo a fitness-for-duty exam before allowing you to return to work. Consult with your union representative and/or a FELA attorney before undergoing a fitness-for-duty exam.

If you have any questions about your rights under the FELA or the FRSA, the attorneys at the Bremseth Law Firm are always available to you toll-free at 1-800-545-3733 to answer your questions and consult with you at no cost or obligation.



FILLING OUT INJURY REPORTS: WHAT EVERY RAILROAD EMPLOYEE NEEDS TO KNOW

Your employer requires you to fill out a personal injury report if you are injured at work. It is critically important for you and for your FELA claim that you fill out a PI report accurately, completely and on a timely basis. **Know that the railroad will try to use this report (or the absence of a report or an untimely report) against you and your FELA claim.** If you follow certain steps, you can limit the use of your report against you. You should know and keep the following 10 items in mind when filling out a personal injury report.

1. Be truthful.
2. NEVER allow a supervisor to fill out a report that you merely sign; fill out your own report in *your* words.
3. Do not be intimidated. Intimidation can be subtle or obvious, and can come from supervisors and co-workers who may be adversely impacted (loss of safety incentives/bonuses) *even if they had nothing to do with your injury.* **Intimidating, retaliating against, or harassing employees who report injuries is illegal under Federal law. If you are threatened with discipline if you don't immediately fill out the PI form at the very least say so on the form.**
4. **Be aware that the railroad, its officials, claims agents and attorneys can and will use your report against you.** Do not fill out the report until you are capable of giving it your full attention. You have a Federal right to receive medical care immediately. Be aware of your Railroads rules on paperwork for an on the job injury but paperwork can and should wait until you have been medically examined and treated. If pain or medication does not allow you to think clearly, do not fill out the report until you are able to do so and, preferably, have consulted with a union representative or a FELA attorney.
5. **Do not** guess or speculate about what happened. Rule No. 1 is to be truthful, so if you do not know an answer, **do not** assume any facts. When describing how your accident or injuries occurred, be sure to note any contributing conditions, unsafe work procedures, malfunctioning equipment, bad footing, broken tools, the name of any employee(s) involved in your injury, or pressure to complete the job in a shorter amount of time than was required to do it safely. Be sure to record all weather and climatic conditions that contributed to your injury, detail them carefully, noting approximate temperature, wind speed, icy conditions, conditions that impaired visibility, etc.

6. The report will ask if there was anything wrong with the equipment, tools, work procedures, or work area that led to your injury or whether working conditions caused or contributed to your injury. List the defects you know of. But, unless you are absolutely certain that there were no defects, violations of law, violations of company policies and/or procedures, you should answer, "Unknown." Answering "NO" to the question on your injury report will cause problems if you later find out that there were factors such as defective tools or equipment, improper training, and/or violation of laws or rules that caused your injuries.

7. Do not incriminate yourself needlessly. When answering the question, "Could you, by more care on your part, have prevented your injury?" think about what occurred? If you were working as you were trained with the tools provided by the railroad and using reasonable care for your own safety, your answer should be "No." Given the conditions under which employees are required to work, the condition of tools and equipment provided by your employer, and the lack of time to complete assigned tasks safely, your actions may have nothing to do with the cause of your injuries. The RR asks this question to attach fault to you in an attempt to reduce your financial recovery by the percentage of your fault.

8. When asked to describe your injuries, be careful to describe all injuries no matter how minor you think that they may be at the time. Sometimes you may not be aware of all injuries that resulted from the accident at the time you fill out the accident report. If new symptoms arise after you have initially filed your report, complete another report, listing the new problems that you are experiencing.

9. While you are required to fill out a report, **YOU ARE NOT REQUIRED TO GIVE A RECORDED STATEMENT to a claim agent of the Railroad.** If you do give a recorded statement, make sure you do so only after you have consulted with a union representative and/or a FELA attorney. Again, getting medical attention first is your right.

10. You are entitled to a copy of your signed report! Ask for one and keep it in a safe place at home.



Summary of the OFF-TRACK VEHICLE AGREEMENT

This is a great union negotiated benefit that is relatively unknown and kept quiet by the carrier and claim agents. Below is a snap shot of the policy to give an example of some of the protections provided to the employee. This essentially is a "No Fault Policy" and paid no matter what the circumstance or fault maybe.

OFF-TRACK VEHICLE AGREEMENT

Where employees sustain personal injuries or death under the conditions set forth in paragraph (a) below, the company will provide and pay such employees, or their personal representative, the applicable amounts set forth in paragraph (b) below, subject to the provisions of other paragraphs in this understanding.

(a) Covered Conditions:

This provision is intended to cover accidents involving employees covered by this understanding while such employees are riding in, boarding, or alighting from off-track vehicles authorized by the Company are:

- (1) Deadheading under orders or*
- (2) Being transported at Company expense.*

(b) Payments to be made:

(1) Accidental Death or Dismemberment

The Company will provide for loss of life or dismemberment occurring within 120 days after date of an accident covered in paragraph (a)

(2) Medical and Hospital Care

The Company will provide payment for the actual expense of medical and hospital care commencing within 120 days after an accident covered under paragraph (a) of injuries incurred as a result of such accident, subject to limitation of \$3,000 for any employee for any one accident.

(3) Time Loss

The carrier will provide an employee who is injured as a result of an accident covered under paragraph (a) commencing within 30 days after such accident

80% of the employee's basic full-time weekly compensation from the carrier for time actually lost, subject to a maximum payment of \$1,000.00 per week for time lost during a period of 156 continuous weeks following such accident provided, however, that such weekly payment shall be reduced by such amounts as the employee is entitled to receive as sickness benefits under provisions of the Railroad Unemployment Insurance Act.

If you would like a copy of the full document or further explanation, please don't hesitate to call us at 1-800-545-3733

OSHA[®] FactSheet

Whistleblower Protection for Railroad Workers

Individuals working for railroad carriers are protected from retaliation for reporting potential safety or security violations to their employers or to the government.

On August 3, 2007, the *Federal Railroad Safety Act* (FRSA), 49 U.S.C. §20109, was amended by *The Implementing Recommendations of the 9/11 Commission Act* (Public Law 110-53) to transfer authority for railroad carrier worker whistleblower protections to OSHA and to include new rights, remedies and procedures. On October 16, 2008, the *Rail Safety Improvement Act* (Public Law 110-432) again amended FRSA, to specifically prohibit discipline of employees for requesting medical treatment or for following medical treatment orders.

Covered Employees

Under FRSA, an employee of a railroad carrier or a contractor or subcontractor is protected from retaliation for reporting certain safety and security violations.

Protected Activity

If your employer is covered under FRSA, it may not discharge you or in any other manner retaliate against you because you provided information to, caused information to be provided to, or assisted in an investigation by a federal regulatory or law enforcement agency, a member or committee of Congress, or your company about an alleged violation of federal laws and regulations related to railroad safety and security, or about gross fraud, waste or abuse of funds intended for railroad safety or security. Your employer may not discharge or in any other manner retaliate against you because you filed, caused to be filed, participated in, or assisted in a proceeding under one of these laws or regulations. In addition, you are protected from retaliation for reporting hazardous safety or security conditions, reporting a work-related injury or illness, refusing to work under certain conditions, or refusing to authorize the use of any safety- or security-related equipment, track or structures. You may also be covered if you were perceived as having engaged in the activities described above.

In addition, you are also protected from retaliation (including being brought up on charges in a disciplinary proceeding) or threatened retaliation for

requesting medical or first-aid treatment, or for following orders or a treatment plan of a treating physician.

Adverse Actions

Your employer may be found to have violated FRSA if your protected activity was a contributing factor in its decision to take adverse action against you. Such actions may include:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Intimidation
- Making threats
- Reassignment affecting promotion prospects
- Reducing pay or hours
- Disciplining an employee for requesting medical or first-aid treatment
- Disciplining an employee for following orders or a treatment plan of a treating physician
- Forcing an employee to work against medical advice

Deadline for Filing a Complaint

Complaints must be filed within 180 days after the alleged adverse action occurred.

How to File a Complaint

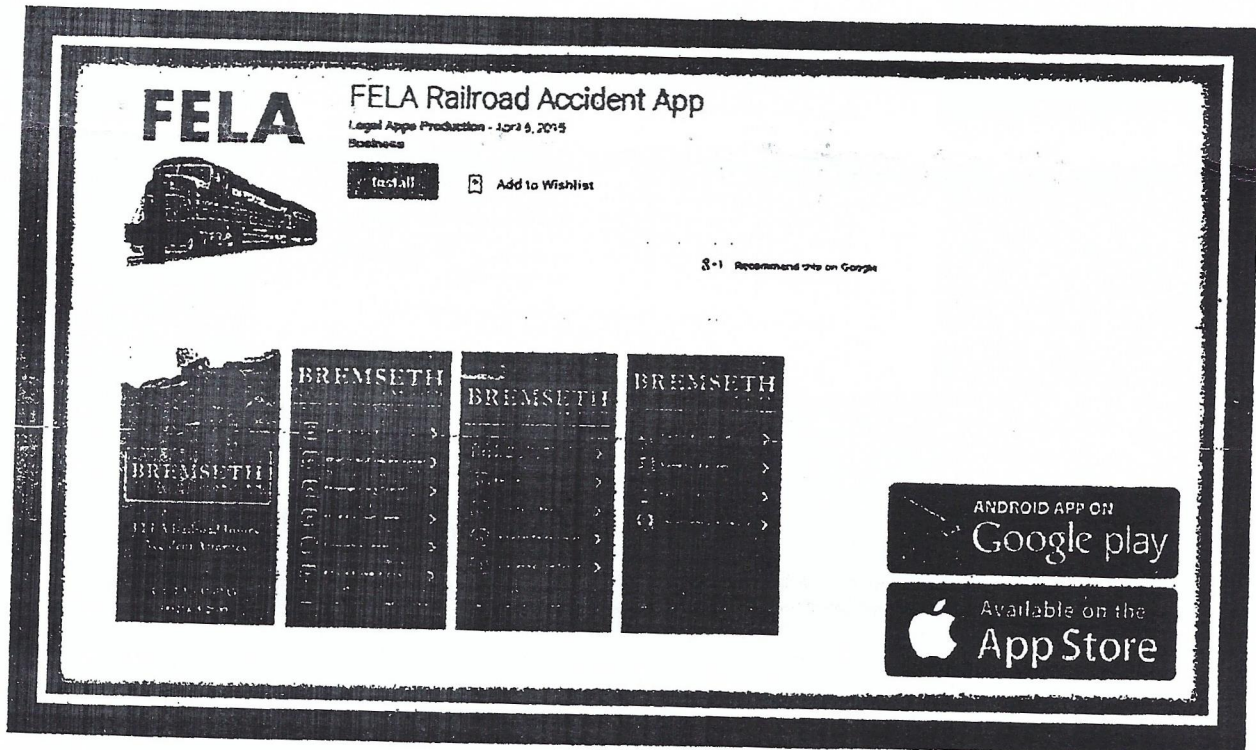
A worker, or his or her representative, who believes that he or she has been retaliated against in violation of this statute may file a complaint with OSHA. The complaint should be filed with the OSHA office responsible for enforcement activities in the geographic area where the worker lives or was employed, but may be filed with any OSHA officer or employee. For more information, call your nearest OSHA Regional Office:

BREMSETH LAW FIRM

PROFESSIONAL CORPORATION

601 CARLSON PARKWAY, SUITE 995
MINNETONKA, MINNESOTA 55305
952-475-2800//FAX: 952-475-3879
800-545-3733
WWW.BREMSETH.COM

The Bremseth law firm is proud to bring our years of knowledge and experience to your fingertips. We have recently developed the *Bremseth Accident App* to give both education and guidance in some of the toughest times. Below is a snapshot of the app which can be found by searching "**Bremseth Law**" in both the Apple and Android store. This is the most extensive app on the market geared solely to helping protect the railroad employee.



The BREMSETH APP can also be easily found by using the above QR code.

Any questions or comments on the above product, feel free to call Joe Dolan at 1-800-545-3733.

Stay on Track

5 Do's & Don'ts of Railroad Injuries

DO confirm unsafe conditions and equipment on your injury report

DO review the injury report and make corrections before signing

DO get a copy of the injury report

DO tell your treating doctor about unsafe

conditions and equipment causing your injury

DO be aware that you have THREE YEARS from the date of your injury to file a lawsuit (or you are forever barred)

DON'T give a statement to the railroad (without first consulting your attorney)

DON'T forget you MUST PROVE NEGLIGENCE to recover

DON'T take the railroad's, or the claim agent's word for anything regarding your claim (consult an attorney)

DON'T fill out an injury report if you are under duress or in significant pain

DON'T let the railroad interfere with your medical treatment

Law Offices of C. Marshall Friedman | FELA Designated Legal Counsel
Call us toll free at (800) 233-7636

DO Know Your Rights

Read "Know Your Rights" online at marshallfriedman.com

ATTENTION HEALTH CARE PROVIDER

FELA, not workers' comp. Railroad employers are covered under the Federal Employers' Liability Act (FELA), NOT workers' compensation. Your patient has the right to choose his/her own provider. It is not necessary for the railroad to approve treatment. Medical bills for the railroad workers are covered by union-negotiated plans, and should be sent to the railroad first. DO NOT send any records or reports to the railroad without first obtaining an authorization from the patient (doctor/patient privilege is not waived).

Law Offices of C. Marshall Friedman | FELA Designated Legal Counsel
Call us toll free at (800) 233-7636