

## Austin Personal Injury Attorney - Opting Out of Workers' Compensation Benefits Employers, Not Workers

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<http://www.lawfirmnewswire.com/2016/03/austin-personal-injury-attorney-opting-out-of-workers-compensation-benefits-employers-not-workers/>



**Austin, TX ([Law Firm Newswire](#)) March 11, 2016** – Opting out of the Texas workers compensation system saves employers money over time, but there is a caveat to that observation. The rising number of significant jury awards may signal a change to come.

Opting out of the Texas workers compensation system, otherwise referred to as non-subscription, is still appealing to many employers, as it saves companies a lot of money. “But in reality, it may not save a company money if an attorney wins an injury case against them,” said workplace injury attorney, Brooks Schuelke, of Perlmutter & Schuelke, PLLC in Austin. “There is a very fine line involved between ostensibly saving money by not subscribing to workers’ compensation and having to possibly pay out large sums in a court case or numerous cases.”

How did Texas come to have a workers compensation system that allowed companies to not participate? The answer is over 100 years old. The system began by allowing employers to opt out, meaning they were and still are not required to provide benefits to injured workers. This lack of protection for employers leaves them open to liability lawsuits filed by injured workers not covered by workers compensation.

Today, if a company chooses to carry workers’ compensation insurance, then an injured worker is generally limited to only making claims for the workers’ compensation benefits and can’t sue the employer except in limited circumstances.

On the other hand, if an employer chooses to be a non-subscriber and doesn’t buy insurance, then the injured employee is free to sue the employer. Additionally, the employer is not allowed to present some defenses that are applicable in most cases.

Keith Rosenblum, senior workers compensation risk control strategist at Lockton Cos. L.L.C. in Kansas City, Missouri, says that if a company does opt out, it needs to offer fast and effective medical care and

top notch safety programs. Without those things in place, a company potentially faces liability for injuries sustained by workers.

There are some employers in Texas that do offer some support to injured workers. They are few and far between and in the meantime, there have been a number of significant lawsuits resolved in favor of workers.

One case against Katy Spring & Manufacturing Inc. resulted in a \$780,000 verdict with the jury finding the employer negligent when a worker was hit in the chest by a large-gauge wire.

Other cases, such as the one involving West Star Transportation Inc., resulted in a \$5.3 million judgment in 2015, for not providing a safe workplace. In that case, a worker sustained traumatic brain injury after falling.

Consider also the case involving a former dockworker for Tyson Foods who sustained a serious lower back injury in 2013 while sorting heavy boxes. The jury handed down a \$2.25 million award, citing Tyson Foods for negligence.

According to Bill Minick, president of Dallas-based PartnerSource, there were approximately 100 Lone Star non-subscribers slapped with negligence liability awards/settlements of \$1 million or more in the last quarter century.

“And still, many companies opt to not subscribe in the hopes of saving money. Do these same companies offer some form of protection to their workers? Some do. Some do not. If you have been injured while on the job, contact an experienced workplace injury attorney and find out what your legal rights are,” said Schuelke.

Learn more at <http://www.civtrial.com>

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This afternoon, there was a terrible wreck on Highway 290 in McDade. Details are still coming in, but it appears that four people have died, including two children. Unfortunately, this is only the latest tragedy along Highway 290, which seems to be becoming more and more dangerous. For example, three people were killed about a [...]

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Last Thursday, the Consumer Product Safety Commission took the unprecedented step of sending a letter to all hoverboard manufacturers, importers and retailing telling them that all hoverboards are potentially unsafe. One major manufacturer, Swagway, has also told people who own its hoverboards to quit using them until they are deemed safe. This is a shocking [...]

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