Short-Term Fixes with Long-Term Problems

Helping Your Spouse Maneuver an On-Duty Injury

"We can't always control what happens to us, only our response. And it is in this response that we find empowerment, strength, inspiration, and our opportunity to craft a better culture."

As carriers continue to waive safety practices, take short-cuts, and cut necessary crew, railroaders and their spouses face uncertain times, especially in the event of an on-duty injury. We previously published an article with RWU explaining the seven steps railroaders need to take to protect themselves immediately after an on-duty injury. Those steps are helpful to the railroader, but we also wish to empower the spouses of railroad workers to help maneuver the landscape after an on-duty injury.

We have learned throughout the years that railroaders absolutely love their jobs and are anxious to return to those jobs after an injury. But what is the next best step? There are several "short-term fixes" that end up creating more problems in the future, and we have listed those below to help tackle those issues.

TO THE BELOVED SPOUSES OF OUR RAILROADERS:

Returning to Work Too Quickly

Many railroaders will simply want to go back to earning the money that they earned before they were injured and in doing so, your spouse may rush back to work too quickly before being physically able. This can worsen the injury and ruin any type of claim available down the road. It is best to follow the advice of the treating physicians, and not return to full duty until after your spouse makes sure he is able to work without pain.

Giving a Recorded Statement to Keep Them Happy

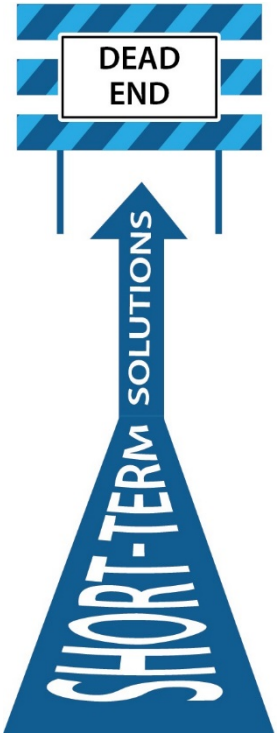
Your spouse is likely agreeing to give a statement to the carrier because he still associates himself with the company and he believes that if he in any way blames the company or his coworkers for his accident, that the company will then be upset with him for doing so. You should explain to him that the company is not going to

be upset at him for telling the truth about the accident (or it should not be upset at him if it is truly just trying to investigate what happened).

Seeking Medical Treatment Through the Company

Simply seeing the company-chosen physicians instead of demanding that your spouse be allowed to see his own trusted doctors can be devastating to both his injury and any potential future case. Be on alert for this type of short-term fix since his medical treatment is one of the most important aspects following his injury.

There are many reasons why your spouse may be thinking short-term rather than long-term following his injury. These are not "bad" reasons, nor do they mean your spouse is doing anything intentionally wrong. We have represented railroad workers for more than twenty (20) years, combined, and the reason railroaders love railroading is because they are generally "fix it" type individuals. This means that they often want to immediately solve a problem as quickly as possible. This is the exact reason they enjoy railroading and why they are often excellent railroad workers and truly love their careers. However, after a serious railroad injury, unfortunately they simply do not have the knowledge or information required to make the best decisions in regard to how to "fix" what has happened.



How to Think Long-Term

One way you can help your spouse think long-term rather than short-term is to ask the question "where will this get us in three years or more down the road?"

Each decision your spouse makes following his railroad injury should pass this test. By way of example, if the company is refusing to allow him to choose his own physician and he is only being provided with company-chosen medical treatment, this will not serve him long-term.

If your spouse is concerned about his long-term health three years or more down the road, he should insist on seeing his own trusted physician and insist that any and

all possible medical testing be done to determine the full nature and extent of his injury.

Similarly, if your spouse is asked to provide a tape-recorded statement, and he is thinking three years or more down the road, he will not withhold important information about the accident including actions that the carrier could have taken to avoid the accident.

Instead, there is a high likelihood your spouse may not be with the same railroad three years down the road and it is more important to properly document all the ways that the accident could have been avoided rather than simply keeping the carrier happy for another three weeks or three months.

There are resources on our website if you have any questions about these important concepts to help your railroading spouse. We I realize both men and women take on the tremendous responsibility of being a railroader and being a spouse. Throughout this article, and the corresponding book on our website, we intend this information to be universal for men and women railroaders, and their spouses, regardless of the use of "he" or "she" throughout the materials.

Carisa Oden and Danny Poolson
Poolson Oden Law Firm
www.poolsonoden.com