

**PROTECT YOURSELF
WHEN HURT ON THE JOB
NANILNISHGO
ATÍDINIDZAAGO
ÁDAA ÁKÓLYÁÁ DOOLEEL**



**KNOW YOUR RIGHTS
BIYAAGI
NI BEE HAZ'ÁANII
BAA ÁKONÍNÍZIN
under the
FEDERAL EMPLOYERS' (Railroad)
LIABILITY ACT**

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**KAPLAN LAW CORPORATION
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Los Angeles, California 90067**

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(800) 552-7526**

TÍZHDIIT'IIHGO KÓJIIT'IIH

1. Oo'finii danilíníííí bízhi' shójool-t'eeh.
2. Bee na'anishíííí dóó 'nijilnish na-hós'a'gi hazhó'ó hajissi'; bee ak'in-da'anilí da bee ahijiilki'.
3. Tízhdiidzaaíííí t'éiyá naaltsoos bikáá' ájiit'ííh, bá nijilnishíííí bá.
4. Haiit'éego áhóót'íííííí éí doo naaltsoos bikáá' ájiléeh da dóó t'áá ha'a-t'íhí da saad bik'i naha'níííí doo saad bik'i nijíníííí da.
5. Azee'íííííí hazhó'ó t'áá át'é ts'ídá át'éhégi át'éego tízhdiidzaaíííí bíl hojilni.

WHAT TO DO WHEN INJURED ON THE JOB

1. Note names of all possible witnesses.
2. Note any defects in equipment or work area; photograph if possible.
3. Fill out an accident report for the company.
4. Do not give any other written or recorded statements.
5. Give your doctor a complete history of how your injury happened.

NI BEE HAZ'ÁANII BAA ÁKONÍNIZIN

T'áá háida béesh nít'i' yáah naalnishgo yit's'áádóó bits'ís t'ídiit'íjhgó, ts'ídá t'áá bí t'éiyá bee haz'áanii bá ályaago bik'ésti'. Bee wójihígíí éí Federal Employees Liability Act, dóó ats'ís t'ídiit'íjhgó nályé ts'ídá aláahdi nidayiilé díí nihít náhásdzoof biyi'—workmen's compensation deilíníngíí dóó chidí t'ídiit'íjhgó nályé ha'níníngíí éí t'áá a'ohgo nida'iilé.

NÁLYÉ NÉIIDÍLBÍJÍGÍÍ

FELA bidí'níníngíí biyaagi saad dashijaa'ígíí t'éiyá haashíí néeláá' bíighahgo nidoolyeelgo díí ats'ís haashíí yit'éego yéigo t'ídiidzaaígíí bik'ehgo, éí doo bikáa' da. Éíshdó' workmen's compensation éí ákót'ée leh dóó t'áá bíí'oh nahaleeh. Ła' diné béesh nít'i' yáah nidaalnishígíí díí naanish nijiis'ígíí yéé t'éiyá bik'eh nályé danízin. Doo ákót'ée da. Diné t'ídiit'íjhgó nályé yókeedgo, doodaii' yits'áádóó ádingo dóó hich'ooní nályé yókeedgo, t'áadoo kónéeláa'.

KNOW YOUR RIGHTS

When any railroad employee is hurt on the job, he or she has the protection of a special federal law which applies only to railroad employees. It is called the Federal Employers' Liability Act, and is one of the finest personal injury laws in the United States — much better than workmen's compensation or automobile collision laws.

WHAT YOU MAY RECOVER

Under the provisions of the FELA, there are no limited payments for certain specific injuries as there are under workmen's compensation laws, which are always inadequate. Railroad employees further have the mistaken notion that the railroad's liability under the Act is limited to lost wages only. There is no limitation as to what an injured man, or the widow of a deceased man, can recover. For the injured man it depends upon the

go t'eyá bee haz'á ha'níní nályé yíídóokił. Díkwíígóó shíí ínéełáá' nályé yókeedgo bá bee ákónéedzá. Aláajj' bee nályé naalkaah-ígíí éí haashjį yit'éego yéigo diné bits'íis baah dahoo'a' dóó díkwíishjį binááhai, dóó náásgóó shíí éí bits'íis haiit'éego naanish doo yíneel'áa da dooleel, dóó haiit'éego t'eyá yik'ee ti'hoosnił, dóó k'ad yik'ee ti'hooníihígíí dóó náásgóó éí haiit'éego yik'ee bich'į' anáhóót'i' dooleel.

Díí t'áá naalnishgo t'áá át'é naanish ná-yóosbaa dooleel nít'éé'ígíí dóó haashjį yi-t'éego yéigo bits'íis tídiidzaaígíí al dó' bíł wólta' dooleel. Ach'ooní yidzi'ígíí éí ba-hastiinee díkwíishjį binááhaigo ádin dóó haashjį néeláá' béeso náyóolbjił nít'éé', dóó haashjį néeláá' éí bich'į' na'iilyéhéę bits'áhádzóohgo ba'álchíní dóó bich'ooní yá hasht'e' niyiiníł nít'éé' dóó haashjį néeláá' sha'shingo náásgóó éiyá binináadoohah nít'éé' dóó haashjį yit'éego tídíidzaago yit's'áádóó ádin, éí kót'éego bá bíł ółta' dooleel.

seriousness of his injuries, his age, the degree of future disability, pain and suffering, past, present and future, in addition to loss of wages and how the accident occurred. For the widow, it depends on her husband's age when he passed away, the amount of wages he was earning, the percentage of his wages he devoted to his wife and family, his life expectancy as of the date of his death, as well as how he was killed.

NÁLYÉ YIINIKEEDGO NÁ BEE HAZ'Á

FELA éi t'áá agháhágo dóó lǎǎgóó bá ahóót'i. Ákonidi díi béésh nít'i dahinéligíi da'assihgo báházínigo nahalingo bik'íhás-t'ahgo t'éiyá, jó kwe'é éi doo workmen's compensation bibee haz'áanii nahalin da. Díi bik'íhót'ááh dooleeligíi t'óó ahayóígóó bá ahwiizt'i. T'áá ha'át'íishíi bits'áádóó tídile' shíi, jó bił nidajilnishígíi la' doo hazhó'ó naanish ádeiił'íi da leh, lahgóó doo hazhó'ó naanish bił nahaz'áa da, bee na'anishígíi da doo éiidiígíi da leh, bee na'anishí la' doo hazhó'ó nidaalnish da leh, doodago da naat'áanii la' t'áadoo yá'át'éhé-góó tsjilgo náás da't'éesh leh. Díi éi bá nida'anishígíi doo ákót'éego é'éł'íi dooleel, dóó yéigo baa hasti. Díi kót'éego, dóó la' kwe'é t'áadoo náháasdzo da, bits'áádóó háida tidiidzaago éi bee haz'áanii ályaaígíi ániigo éi t'áá aaníi bá nida'anishígíi át'íi dooleel. Bee haz'áanii éi "t'óó t'ijhdígo nidi" assihgo bits'áádóó diné la' tidiidzaago éi t'áá aaníi bá nida'anishígíi bik'íhá-t'ááh dooleel. T'áá bí diné naalnishígíi t'áa-

YOUR RIGHT TO RECOVER

The FELA is much more generous as to the amount of damages, but, unlike the workmen's compensation law, it is necessary to establish some fault or negligence on the part of the railroad company. This can be accomplished in most cases. Anything contributing to the injury, such as a mistake or carelessness on the part on any fellow employee, unsafe working conditions, lack of proper tools or equipment not working properly, or hurry-up movements where the foreman or some other railroad official rushes the men to the extent that an injury occurs, constitute negligence and liability on the part of the company. All such factors, and many others, are held to be the fault of the company. The law holds that the cause of the injury needs to be only "in part" the fault of the company.

doo hazhó'ó á'iilaagóó biniinaa bits'íís tí-diidzaago, doodaii' yits'áádóó bizéé' haz-líi'go dóó azhâ bá nida'anishígíí t'óó t'íih-dígo bik'íhát'áah nidi, t'áá béésh nít'i' yits'áádóó nályé bich'i' nì'doolyéelgo át'é. Aahwiinít'íní góne' aláejí' dabi'dool'aadígíí shíí bee bídahólnííh, haashíí nít'sogo éí diné tídiidzaagíí t'áá bí át'íí dóó haashíí nít'sogo éí bá nida'anishígíí bik'íhást'ah, dóó éí yik'ehgo altsádayiizohgo nályée leh.

Safety Appliance Acts dóó Locomotive Inspection Acts éí t'áá'álah díí FELA bidi-nínígíí bíl ahaah sinilgo baa nitsáhákees-go dóó t'óó ahayóígóó áká iilyeed hólóq dóó binahjí' béésh nít'i' yaah nidaalnishígíí baa áháya. T'óó sha'shingo kwe'é la' hané. Jó díí béésh t'áá ha'át'íhí da alch'i' dayósha' lehígíí la' íiyisíí doo hazhó'ó naalnish siljí-go, éí t'áá íídáá' béésh nít'i' bik'íhát'áah dooleel, t'áadoo yéigo naalkaahí. Jó díí éí t'áá báháziní. Díí Acts dabidi'nínígíí bá nida'anishígíí háadishíí doo yik'ehót'íígoó bik'élkää'go, éí doo t'áá a'ohgo nályée da dooleel, azhâ díí diné tídiidzaagíí, doodaii' ádin siljí'ígíí haashíí nít'sogo lahdoó t'áá bí át'íí nidi.

If the injured or deceased employee were partly at fault, he can still recover against the railroad company, which also was partly at fault. It would be up to a jury to decide the percentage of responsibility for the accident on the part of the employee and the company, and adjust the damages accordingly.

The Safety Appliance Acts and the Locomotive Inspection Acts are considered to be a part of the FELA and contain many provisions for the protection of railroad workers. For example, if it can be established that a coupler was not working properly, then the railroad can be held to be in violation of the Act without proof of negligence. If there is a violation of either of these Acts, then damages are not reduced at all even if the person injured or killed is partly at fault.

NAALTSOOS BIKÁÁ' HANE' DÓO HA'II SDZII'IGII

FELA binahjì' éí t'áá háida béesh nít'i' yaah naalnishgo tidiidzaago—éí doodaii' diné ádingo, áko ba'álchíní da, bich'ooní da yidzígíí—doo naaltsos éí bikáá' saad shi-jaa'go yízhí ádoolnii' da, díí nida'alkaahii dóó t'áá háida bá nida'anishígíí binaal'aí da bá. Ákót'ée nidi bá nida'anishígíí binaaltsos éí bikáá' diné atídiidzaaígíí t'áá éí t'éiyá yaa halnih. T'áadoo bízhì' yikáá' íiléhé na'ídikidígíí hazhó'ó yíídóoltah dóó hazhó'ó yaa nitsékeesgo índa yikáá' ak'e'-doolchíí. Bináál ádahóót'íidígíí, oo'íinii danilínígíí, ádabidoo'niidgo éí naaltsos yikáá' bízhì' dóó áhóót'íidígíí hane' ádei-doolíí.

BEE HAZ'ÁANII SAAD BEE ÁKÁ E'ELYEED

La' diné agha'diit'aahii bá nályé yókeed dooleelígíí doo ádeiilée da leh, azhà la' dahayóígíí union bá yik'i dadiilnii' nidi. Jó doo ákót'éhígíí da hane' dayoodláago

REPORT AND STATEMENT

Under the FELA no injured railroad employee — or surviving relatives of one killed on the job — need sign a narrative statement for the railroad claim agent or any other representative of the company. He is required, however, to give notice of his accident on the accident report form furnished by the company. Before signing this report he should read the questions very carefully and give serious consideration to his answers. Employees witnessing the accident are required to give statements to the company if requested to do so.

LEGAL ADVICE

Some railroad men hesitate to consult a lawyer about their claims. They have been led to believe the company can pull

biniinaa. Ats'áashididoolt'eel da danizingo, éi doodago doo yá'át'ééhgóó shidi'níł'íi da dooleel danizingo biniinaa la' doo hazhó'ó agha'diit'aahii ádeiilééhgóó t'áá át'é bá ahwiizt'i'góó doo nayínítaah da. Díí éi doo ákót'ée da. Ni union dóó naaltsoos bee bił ałgha'díínít'áago bił lá'í nílínée binahj'i' naa áháýáago nanilnishígi nik'idéez'íi' dóó ná nik'iyáłti', azháhsh'íi nits'íís tidiidzaa dóó agha'diit'aahii shoisíníłte' dóó naaltsoos ná yee ni'níłtsooz nidi. Bee haz'áanii áłyaaígíí bił nidanilnishígíí ałdó' yich'ááh naagháago át'é: "Háish'íi, tí'doolííłk'eh yáłti'go, bizahóch'ígo, ádíhólníihgo, háida yíł ałgha'dit'áahgo, bee haz'áanii da t'áá há'át'íhí da biniinaa háida yich'ááh naagháago...hazhó'ó ná naat'áanii danilínígíí yíł hodoolnihéé, háish'íi bóhólníih sh'íi háida alts'éíłte'go doodaii' hoolne'ígíí yich'ahashkéego, habi'dool'íi' dóó bá nahoot'áago éi t'ááłá'ídi míł yázhi béeso bíighahgo doodaii' t'áá bich'j'dóó, nijílee dooleel, doodaii' awáályah góne' t'ááłá'í, t'áá bi'ohgo da, hwéedooah, doodaii' béeso dóó awáályah

them out of service or discriminate against them in other ways because they have exercised their rights to consult and engage a lawyer to press their claims. *This is false.*

Your union and your union contract stand behind you in protecting your employment rights with the company, even though you may have sustained an injury on the job and hired a lawyer and filed a lawsuit.

The Act protects your co-workers in that it provides specifically that: "Whoever, by threat, intimidation, order, rule, contract, regulation or device whatsoever, shall attempt to prevent any person from furnishing . . . such information to a person in interest, or whoever discharges or otherwise disciplines or attempts to discipline any employee for furnishing such information to a person in interest, shall, upon conviction thereof, be punished, by a fine of not more than \$1,000 or imprisonment, for not more than one year, or by both such fine and imprisonment, for each offense."

t'áá álah dooleel, t'áá na'ijiis'ígíí t'áá át'é kót'éego t'áá'á'ígo alhihidzogo bik'éh há nahwiit'aah dooleel."

Béesh nít'i' yáah nidaalnishígíí bits'ís tidiit'ijhgo agha'diit'aahii shóyoolt'eehgo éí t'áá ákónéehii dooleel dóo nizhónigo bá nidoolkah dóo bá baa hwiidínóot'ijl. Diné tidiit'ijhgo t'áá áko tsijlgo agha'diit'aahii yil hodoolni. Háálá t'áadoo ádzaagóo dóo t'áá ha'át'éego da bizéé' hazl'ijgo bijei da niiltlago, chidí da atíbiilaago yits'áádóo ádingo, béesh nít'i' éí doo yits'áádóo ádingóo, bich'ooní dóo ba'álchíní t'áadoo bich'í nályéhé da dooleel, t'áá azhó béeso áyiilaa dooleel'ęę t'éiyá, niléí béesh nít'i' yits'áádóo tidiidzaadóo niléí ádin sil'ij'i'. Béesh nít'i' yá nida'alkaahígíí háida tidiit'ijhgo t'áá hooshch'í n'í'adadiilkah. Diné tidiidzaaígíí aldó' t'áá tidiidzaadóo bik'ijí' tsxijlgo bi' agha'diit'aahii bá nihi'diilkahgo yá'át'ééh. Oo'finii danilínígíí nayídiilkidgo, dóo áhóót'ijidígíí hane' naaltsoos bikáa'go ázhí bil alhaah áyii'ijh dóo bee ak'inda'anilí yee áhóót'ijid'ęę neilkaahgo ayiilki'.

Advice and counsel of a lawyer are the railroad worker's best guarantee that his claim will be properly evaluated, properly handled and presented.

An injured employee should receive legal advice as soon as possible, because if he should die from a heart attack, an automobile accident or anything not directly connected with his railroad injury, his widow and family could not expect to receive any damage except the small amount of wages the workman had lost between his injury and death.

The railroad claims agent investigate an injury accident immediately after it happens. It is equally important for the injured workman to give his attorney an early opportunity to make an investigation, talk to witnesses, take pictures and get statements.

TSXJILGO YOOLKÁLIGII

Naalnishígíí bąąh dahoo'aahgo, doodaii' bich'ooní t'áá sáhi ch'ééyáhígíí t'ááláhídi t'éiyá nályé yókeedgo bá hwiidoo'aal. Díí biniinaa ts'ídá t'áá át'é nályé nilínígíí bee haz'aanii binahjí' kwe'é jókeed dooleel. Diné tidiit'ijhdóó t'áadoo táá' náháhi nályé yókeedgo bá haz'á, t'áá ákódí, T'áá tsjligo yókeedgo t'éiyá bá yá'át'ééh, háálá náás ho-deeshzhiizhgo bá oo'íinii danilínée la' da shjį ádaadin dooleel, la' da nááná lahgóó aheeznáa dooleel, dóó la' da shjį éi doo hazhó'ó áhóót'jįdęę yéedaalnih da dooleel.

NAANISH ÁDAA NÍZHDÍT'AAH

Lahda diné nidahidilníishgo yá'át'ééh nídeeshdleel danizingo naaltsoos yikáá' yá'ánisht'ééh daanigo bízhi' ádayiit'jįh. T'áadoo naaltsoos házhi' bikáá' ájiléhé nízhdilníishgo t'áá áko. Bi'agha'dii-t'aahii la' azee'ííłíní, doo béesh níti' t'áá ha'át'éego da yil alhihodiit'ígíí, yich'į' nił-áago t'áá áko, dóó éi hazhó'ó nił ch'ího-doo'áál, naah dahoo'a'ąą daats'í náásgóó

TIME LIMITATION

An injured railroad employee, or his widow, can only settle once. That is why it is so important to obtain all you are legally entitled to at the time of making the settlement. Settlement must be made or a lawsuit filed within three years of the date of the injury, but by that time the important witnesses may be dead, their whereabouts unknown, or their memory vague.

RELEASES

Often employees go back to work and sign a release thinking they will get completely well. You do not have to sign a release when you return to work. Lawyers can recommend doctors who are not connected with the railroad and who can tell you if you can expect to develop trouble from your injury in the future.

hodeeshzhiizhgo nich'i' nahwiilnáa doo-
leel.

INÁÓLTÄ'Í

Diné tidiidzaaígíí nályé yoosbáago, éí
doo lá' bits'áá' béeso bididoo'níł da wáa-
shindoon bá.

INCOME TAX

The injured workman does *not* have to
pay any income tax on the money he re-
ceives from the railroad company through
a settlement or a court judgement.

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