

The Workers Compensation Best Test For Multi-Jurisdictions

I have posted on this subject in the past. I thought it would be good to revisit the subject after I read about a Tennessee employer that tried to have North Carolina apply Tennessee subrogation laws.

The WALSH Test is still the tried-and-true way to decide which jurisdiction's laws would apply in the case of – for example – a truck driver who was injured in Arizona, whose home was in Iowa.

I have seen the WALSH Test applied to a case by a Workers Compensation judge many years ago. One of the carriers that trained me was where I became familiar with the test.

OK, so let us look at the truck driver. The implied caveat is that I know each state has its own laws on multi-jurisdictions. OK, so here is the test –

Worked – what state did the employee work the most in overall?

Accident – place of accident?

Lived - where is their home?

Salaried – where is the employee paid from each time?

Hired – where was the contract of hire initiated?

Transportation workers such as long-haul truck drivers are usually the toughest cases to make a determination. Using the trucker example:

Worked – multi-state (not a determining factor)

Accident – Arizona

Lived – Iowa

Salaried – Paid out of Texas

Hired – Oklahoma