

INTERPLAY OF LONGSHORE AND JONES ACT

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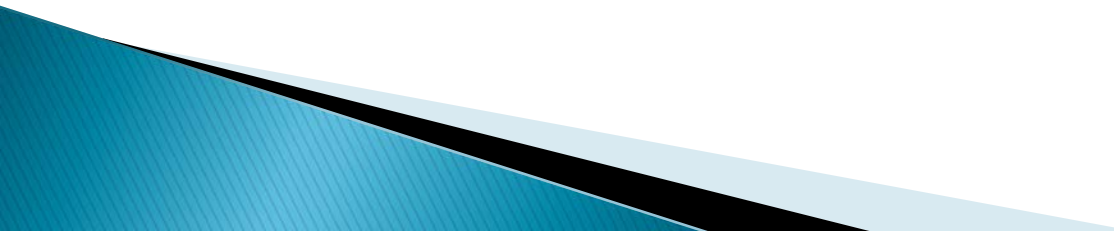
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Maritime Exposures

- Longshore and Harbor Workers' Compensation Act
 - Jones Act
 - Unseaworthiness
 - Maintenance & Cure
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LHWCA

Statutory Authority
22 U.S.C. §901 et. seq.

Who Is Covered?

- **Status**

 - **Situs**

 - **Exclusions**

What Is Covered?



BENEFITS AVAILABLE

ADMINISTRATIVE LAW

- DEPARTMENT OF LABOR
 - OFFICE OF WORKERS' COMPENSATION PROGRAMS
 - OFFICE OF ADMINISTRATIVE LAW JUDGES
 - BENEFITS REVIEW BOARD
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Jones Act

46 U.S.C. §31004 et. seq.

Incorporates FEHA



Who Is Covered?

Seamen & Crew Members

---Wards of the Court---

U.S. Supreme Court

- ▶ *McDermott Intern., Inc. v. Wilander*,
498 U.S. 337 (1991)
- ▶ *Southwest Marine, Inc. v. Gizoni*,
502 U.S. 81 (1991)
- ▶ *Chandris Inc. v. Latsis*,
415 U.S. 347 (1995)

What Is Covered?



State or Federal Court

Statute Of
Limitations

Right To Jury
Trial

Duty --- **Breach** --- **Causation**



Burden of Proof

Contributory Negligence By Seaman



THE SEAMAN'S TRILOGY

i. Maintenance & Cure

ii. Unseaworthiness

iii. Jones Act

Similarities & Differences

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Areas of Potential Jones Act Exposure For Shipyards

--*Williams v. Avondale*, 452 F.2d 955 (5th Cir. 1971)

--*Reynolds v. Ingalls Shipbuilding*, 19 BRBS 10 (1981) (CRT)

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