Injured workers denied care

Illegitimate and undocumented workers often find themselves entrapped on job sites and workplaces because of their illegal status.

BY LIZ CHANDLER
McClatchy News Service

Jose Hernandez was good with a machete. So he was the top choice when his boss needed someone to chop down young trees that were choking parts of Florida's Everglades.

On one trip to the swamps, the workers flew in by helicopter and quietly cut a stand of sprawling trees. Several months later, one of them — an accident — came home, and something went wrong: The chopper lurched left, then plunged into murky water in Cool Spring.

A broken rotor blade slashed through Hernandez's left thigh. Doctors saved his life but could not save his leg.

To pay for his costly medical care, Hernandez filed a workers' compensation claim, which covered some of his bills.

Then, the insurance carrier, Florida Citrus Business & Industry Fund, denied some of his bills. Hernandez filed suit against the insurance company, which covered some of his bills.

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In 2001, a federal judge dismissed the case, saying there was no evidence that Hernandez was an employee of the company. Hernandez then appealed, and in 2003, the 11th U.S. Circuit Court of Appeals ruled in favor of Hernandez, allowing him to proceed with his claim.

However, the insurance company appealed again, and in 2005, the U.S. Supreme Court ruled in favor of the insurance company, saying that Hernandez was not an employee of the company and therefore not entitled to workers' compensation.

Hernandez was denied workers' compensation because of his illegal status.

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Hernandez is not alone. According to estimates from federal immigration officials, about 1 million workers are hurt and killed in the workplace each year, with an estimated 600,000 workers being injured or killed in the workplace each year, according to a new report from the National Institute for Occupational Safety and Health.

The stories vary, but their common thread is this: Their struggles to win compensation for workplace injuries are compounded by their illegal status. Employers and without work papers or permits are more likely to be found in areas of the country with high concentrations of Hispanic and foreign-born workers. Men and women often find themselves working in dangerous industries like construction and transportation, where they are paid for their labor but not for their lives.

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 Insurers often go without medical care or go to emergency rooms after getting stuck with the bills.

**Lack of care ‘ugly secret’**

**LOT BEING:** While working in a LaBelle, Fla., nursing home in 1997, Jose Hernandez, 36, above, lost his leg in a workplace accident.

**MONEY**

**COURTS**

Immigrant fights for his rights

Texas lawyer Gerry Rojas, 25, above, said he had questions about whether his client, who has been deported six times, would have any representation in his case.

**INSURANCE COSTS**

Employers also lie on payroll records about their workers' salaries and can keep the insurance costs down, which can leave workers uncovered.

**LEGEND**

1. CYAN
2. MAGENTA
3. YELLOW
4. BLACK