

## **Will Misrepresentation at Hiring Prevent Me from Claiming Workers' Compensation?**

If an individual misrepresents the status of their health when they apply for a job and later sustains an injury at work that is related to, or aggravates, the previous condition, they may have a dispute with their employer about whether or not they are eligible for workers' compensation. In some states, a person who gives false information about their health, or who fails to disclose certain information, will not be eligible for benefits.

In states that bar benefits when a misrepresentation has been made, the test most often used to determine the right to benefits is the *Larson Test*. An employee who misrepresents the status of their health or physical condition at the time of hiring may only have a workers' compensation claim denied if

- The employer can prove that the employee knowingly and willingly made false statements on his or her application
  - Innocent mistakes may be viewed differently than intentional lies
- The employer can show they relied on the misrepresentation when they hired this employee
- The employer must show there is a causal connection between the statement / misrepresentation and the injury
  - There must be some relationship between the pre-existing condition and the injury that is the basis of the present claim

Among states that use the Larson Test, each one has different factors that may be considered to determine if each of the three requirements is met.

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