



TOP 5 COVID-19 WORKERS' COMPENSATION QUESTIONS ANSWERED: MISSISSIPPI

1) How are COVID-19 claims treated in Mississippi?

MS has not specifically addressed COVID-19 in the workers' compensation context. However, since most job-related work conditions are either an "accidental injury" or "occupational disease," it is important to note that MS applies its workers' compensation law equally to both. There is no specific occupational disease statute. So regardless of how it is alleged by the claimant, the claimant will still have the burden of proving that the injury has a causal connection with the claimant's employment.

2) Are COVID-19 claims compensable under the Mississippi Workers' Compensation Act?

In order for a COVID-19 claim to be compensable in MS, the employee would have to prove that they contracted COVID-19 at work, as opposed to the grocery store, gas station, restaurant, etc. In these types of cases, MS courts rely more heavily on medical testimony on causation than in accidental injury cases. Therefore, the employee would have to offer up "credible" medical evidence linking their contraction of COVID-19 to their workplace.

3) What should employers do if an employee contracts COVID-19 and files a workers' compensation claim?

Due to the nature in which COVID-19 spreads, we recommend denying the claim. Since the employee has the burden of proving that the contraction of COVID-19 was the result of their employment, we recommend investigating the claim in detail to determine where the employee had been and who the employee had been in contact with in the 14 days preceding their positive test.

4) What should employers do if an employee who has an existing workers' compensation claim and is working light duty contracts COVID-19?

If Claimant is working with restrictions or on light duty and contracts COVID-19, do not automatically start temporary benefits. The employee will still have to prove that their inability to work is related to their employment.

5) What should employers do if an employee who has an existing workers' compensation claim refuses to return to a light duty position offered because of COVID-19 risks?

If employment that accommodates the employees' restrictions is offered to the employee and the employee refuses to return to work, no benefits are due. This would apply regardless of the reason for the refusal being the employees' fear of contracting COVID-19.