



RITSEMA & LYON, P.C.

WORKERS' COMPENSATION

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NEWS

NEBRASKA LAW UPDATE

STATUTE OF LIMITATIONS

The Nebraska Supreme Court, reversing both the trial court and the review panel, found that the statute of limitations begins to run from the date the employee receives payment. The Court

reasoned that since it is the employee who is penalized for failure to comply with the time limits set by the statute of limitations, then the employee has the greatest interest in knowing precisely when the statute will start to run. Thus, using the mailing date of the last payment of compensation would create an unsure trigger date for the claimant. As a result, the Court found using the date the employee last received payment puts the compliance time limit in the control of the employee. This ruling also applies to medical payments. Therefore, the statute of limitations will not begin to run against an employee until two (2) years from the date the last medical payment was received by a medical provider.

Obermiller v. Peak Interest, 277 Neb. 656 (April 23, 2009).