

Great Gold vs. Great White: Possible Workers' Compensation Case?

Attorneys debate the possible workers' compensation case in Phelps vs. Shark on Discovery Channel's Shark Week in the event of a shark attack.

PHILADELPHIA, UNITED STATES, July 21, 2017 /EINPresswire.com/ -- Discovery Channel's highly anticipated Shark Week begins this Sunday, July 23rd, kicking it off with Phelps vs. Shark: Great Gold vs. Great White.

Que the Jaws Theme Song because in honor of Discovery Channel's Shark Week, we're diving into the open waters of [workers' compensation](#) and taking a bite out of benefits.

Discovery Channel's annual, weeklong Shark Week features shark-based programming, originally devoted to conservation efforts and correcting misconceptions about sharks. Shark Week has been the longest-running cable television programming event in history, reaching an average of 2.5 million viewers throughout the week.

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Potential catastrophic events could make this race fraught with legal issues. Any one of our attorneys could navigate these dangerous and murky issues in court.”

Jason Krasno, CEO

To kick off the most anticipated week of the year, 39 world record holder and 23 Olympic Gold Medalist Michael Phelps, will be competing against a Great White shark in a 100-meter, open-water race off the coast of Cape Town, South Africa.

In one of the promotional teasers for the Shark Week special, a narrator states “One trained to be the best since the day he was born. The other has been perfected by evolution” leaving viewers eager to find out who will be named the winner in The Battle for Ocean Supremacy.

But this left the attorneys at [Krasno Krasno & Onwudinjo](#) with the question, if something were to go unplanned during the filming of this race that resulted in a shark attack, would Phelps be entitled to workers' compensation benefits and would the injuries sustained qualify as on the job?

According to statistics, more shark attacks result in a [loss of limb](#) rather than death, but swimmers are



among those who are most prone to being attacked. So, by filming this special in the open-water, already put Phelps at an increased risk of being attacked by a shark.

To try and answer the question of whether or not Phelps would qualify for workers' compensation benefits for sustaining a shark attack related injury, we referred to the basic components of a justifiable workers' compensation case.

1. The injured party must be an employee of that company
2. The injury or illness must be work-related
3. The employer must have workers' compensation insurance



The attorneys dissected this case further relating it back to the eligibility requirements of a workers' compensation case and concluded that determining whether Phelps would be entitled to receiving compensation benefits in the event of a shark attack while filming the race, would come down to the factor of if Phelps is considered an employee of Discovery Channel at the time of the injury.

If Phelps had a legally-binding contract of employment with Discovery Channel during the time that the shark attack occurred, then the injury sustained would be considered on the job, qualifying him to receive compensation for wage loss benefits in addition to medical expenses. The amount of compensation he could receive would depend on the extent of the shark attack injury.

In contrast, if Phelps were only considered a guest of Discovery Channel and not an employee, then that would not make him eligible to receive any benefits to compensate for his injury.

Looking at Phelps's case from a legal perspective, another type of case could consequently arise from a shark attack injury during the filming of the race.

If a third-party other than Discovery Channel was involved in the filming of the race and were held responsible for the action that resulted in the shark attack, or for neglecting to take action that could have prevented the injury, then Phelps would have a personal injury case.

With a third-party claim, Phelps could pursue benefits above the compensation provided through workers' compensation. To receive those benefits, he would have to prove that his injury sustained from the shark attack was the result of negligence by the third-party.

In the case of Michael Phelps, the neglectful third party could be the boating company that issued the use of the boat to Discovery Channel, or the captain of the boat who took Phelps to the spot in where the shark attack occurred.

Not only would Phelps have a workers' compensation case, but so would other personnel involved in the filming of the Shark Week special.

A team of fifteen divers and camera operators entered the open-water of Cape Town, South Africa and were positioned around Phelps to provide increased protection and distraction if necessary.

Scientists were also sent out into the depths of the open water to gather supporting data on Great Whites, required to debunk the question who is faster: Great Gold or Great White?

The same three components of a justifiable workers' compensation case can be used to determine the eligibility of the divers and scientists. In the event of an injury sustained from a shark attack, would these divers and scientists be eligible for workers' compensation benefits? Are these divers and scientists legal employees of Discovery Channel, qualifying them for benefits to compensate the shark attack injury? If so, what benefits would they be entitled to? Or would a third-party be held responsible due to negligence, giving the divers and scientist a personal injury case?

It's doubtful that Discovery Channel would ever actually put the Olympian in any risky situation that could potentially result in a personnel loss, but it does possess an interesting topic on the extent of workers' compensation coverage for on the job injuries.

Although shark attacks are uncommon on the job injuries in Pennsylvania, other types of workplace injuries can occur, leaving employees with a loss of wage and medical expenses. The attorneys at Krasno Krasno & Onwudinjo provide representation to help injured workers obtain the full benefits they need and deserve.

If you or someone you know need the help of an experienced attorney for a workers' compensation case, contact us at (877) 299- 0779 or by initiating a live chat with a dedicated member of our legal team.

Jason Krasno
Krasno, Krasno & Onwudinjo
877-299-0779
email us here

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