What to Do After a Construction Accident in San Antonio

An Injured Worker May Have More Than One Path to Compensation

A construction worker leaves home expecting another day on the job. A fall, equipment failure, or careless move by another crew can change everything. Suddenly, the worker is facing medical treatment, missed paychecks, and questions about whether returning to the same work will even be possible.

After a construction accident in San Antonio, getting medical care and reporting the injury are important first steps. Workers also need to know who may be responsible, which insurance policies apply, and whether compensation is available beyond workers' compensation.

Those answers are not always clear from an employer's explanation. A San Antonio construction accident lawyer can investigate what happened and identify potential claims involving the companies, equipment, and working conditions that contributed to the injury.

Common Construction Accidents That Can Lead to Injury Claims

Construction sites bring together workers, heavy equipment, temporary structures, and multiple contractors. A safety failure in one part of the project can put several crews at risk. Accidents that may warrant investigation include:

- **Falls From Heights:** Workers may fall from ladders, scaffolds, roofs, elevated platforms, or lifts when equipment fails or adequate fall protection is missing.
- **Falls Through Openings or Across Unsafe Surfaces:** Uncovered floor openings, unstable walkways, debris, and poorly maintained access routes can cause serious falls.
- **Falling Objects and Moving Equipment:** Unsecured materials, dropped tools, swinging loads, and vehicles operating near workers can cause devastating injuries.
- **Crushing and Caught Between Accidents:** Workers may become trapped between equipment and walls, caught in machinery, or pinned beneath shifting materials.
- **Trench and Structural Collapses:** Excavations, partially completed structures, and temporary supports can collapse and bury or trap workers.
- **Electrical Accidents:** Contact with overhead power lines, exposed wiring, or improperly de-energized equipment can cause severe injuries.
- **Equipment Failures:** Defective tools, malfunctioning lifts, damaged rigging, and improperly maintained machinery can fail during ordinary use.

The type of accident provides a starting point. An investigation must also establish what caused it and which parties had responsibility for preventing the danger.

Construction Injuries Can Threaten a Worker's Livelihood

For someone who earns a living climbing, lifting, carrying, or operating machinery, an injury can affect much more than the next few shifts. Even after initial treatment ends, physical limitations may prevent a return to the same trade.

Serious construction accident injuries include:

- **Head and Brain Injuries:** Falls and blows from equipment or materials can cause injuries affecting memory, concentration, balance, and other functions.
- **Back and Spinal Cord Injuries:** Damage to the spine may cause persistent pain, limited mobility, nerve problems, or paralysis.
- **Broken Bones and Joint Injuries:** Fractures and damage to shoulders, knees, or other joints may require surgery and extensive rehabilitation.
- **Crush Injuries and Amputations:** Heavy equipment accidents can permanently damage or destroy a hand, arm, foot, or leg.
- **Burns and Electrical Injuries:** Electrical contact, fires, and chemical incidents can require specialized treatment and leave lasting impairments.
- **Internal Injuries:** Significant impacts can damage internal organs, sometimes without an obvious external wound.

A claim should account for the injury's long-term effects as well as immediate treatment. Medical restrictions, rehabilitation needs, and the worker's ability to perform previous job duties all matter.

What an Injured Construction Worker Should Do First

The hours and days after an accident can be overwhelming. Workers do not need to investigate the entire case themselves, but several steps can protect their health and preserve important information:

- **Get Medical Attention:** Emergency care comes first. The worker should explain how the accident happened and report all symptoms so the medical record accurately reflects the injury.
- **Report the Accident Promptly:** The employer should receive notice of the injury. Keeping a copy of a written report, email, or text can help document when notice was provided.
- **Preserve Available Photographs:** If it is safe, photographs can capture equipment, missing guards, debris, floor openings, and other conditions. Nobody should enter a dangerous or restricted area to gather evidence.

- **Identify Witnesses and Companies:** Names and contact information for witnesses are useful, along with the names of contractors, equipment owners, and other businesses involved.
- **Keep Medical and Employment Records:** Discharge instructions, treatment records, work restrictions, pay records, and accident-related communications can help establish the losses.
- **Review Documents Before Signing Away Rights:** Routine injury reporting is different from accepting a settlement or signing a release. Legal review can clarify whether a document could affect additional claims.
- **Seek Legal Help Before Evidence Disappears:** Construction sites change quickly. Equipment may be repaired or removed, and crews may move to another project.

When a worker is hospitalized, family members can help preserve records and contact an attorney. Treatment should never be delayed to collect evidence.

Who Can Seek Compensation After a Construction Accident?

Potential claims are not limited to workers employed directly by the general contractor. Employees of subcontractors, temporary workers, and day laborers may also have options.

Employment status and insurance coverage require careful review. Being paid in cash or receiving a Form 1099 does not, by itself, answer whether someone is legally an employee or whether a claim exists. An independent contractor may also have a claim against another party whose negligence caused an injury, even when workers' compensation benefits are unavailable.

Delivery drivers, visitors, and others injured at a construction site may have negligence or premises liability claims, depending on why they were there and what caused the accident.

After a fatal accident, eligible surviving relatives may have a Texas wrongful death claim. Death benefits through workers' compensation may also be available when coverage applies.

Who May Be at Fault for a Construction Accident?

Several companies may operate on the same construction site. Determining responsibility requires looking beyond the name on the injured worker's paycheck.

Depending on the evidence and applicable law, an investigation may examine:

- **The Employer:** Unsafe instructions, inadequate training, or defective equipment supplied by the employer may be relevant, although workers' compensation coverage can limit lawsuits against a covered employer.
- **Another Contractor:** A separate company's crew may create a hazard, drop materials, remove a safety barrier, or operate equipment carelessly.

- **The General Contractor or Property Owner:** Liability may depend on control over the work, knowledge of a dangerous condition, and the specific legal duties that apply.
- **An Equipment Manufacturer:** A defective tool, machine, or component may support a product liability claim.
- **A Rental or Maintenance Company:** Improper inspections, maintenance, or repairs may contribute to equipment failure.
- **A Vehicle or Equipment Operator:** A driver or operator may injure a worker by backing up without checking, moving an unsecured load, or entering an occupied work area.

A company's presence on the project does not automatically make it liable. Contracts, supervision, maintenance records, and the sequence of events can help establish who had responsibility and how a failure caused the injury. Project insurance arrangements may also affect which companies are protected from a lawsuit.

Where Compensation May Come From

Texas construction injury cases can follow different paths. Most private employers in Texas can choose whether to carry workers' compensation, although exceptions apply. Coverage should be verified rather than assumed.

- **Workers' Compensation Benefits:** When coverage applies, an eligible worker generally does not need to prove employer negligence to receive benefits. Benefits can include necessary medical treatment and partial wage replacement. In exchange, workers generally cannot bring an ordinary negligence lawsuit against their covered employer.
- **A Claim Against an Employer Without Workers' Compensation:** An employer that does not carry workers' compensation is commonly called a nonsubscriber. An injured employee may be able to sue a nonsubscriber when employer negligence caused the injury. The absence of coverage alone does not establish liability.
- **A Claim Against Another Responsible Company:** A third-party claim involves a legally responsible person or business outside the protected employer relationship. For example, a worker struck by a delivery truck may have a claim involving the trucking company, while a worker injured by defective machinery may have a claim against its manufacturer.

Workers' compensation benefits and a third-party claim can sometimes proceed together. However, reimbursement rights may apply to money recovered from the third party. The claims need to be coordinated; they do not allow duplicate recovery for the same losses.

What Compensation May Cover

The compensation available depends on the claim. A civil injury case may seek recovery for losses that workers' compensation does not cover, including pain and suffering.

Depending on the injury and evidence, damages may include:

- **Medical Treatment:** Emergency care, hospitalization, surgery, medications, and related expenses.
- **Rehabilitation and Future Care:** Physical therapy, additional procedures, assistive equipment, and other medically supported needs.
- **Lost Earnings:** Income lost while the injured person cannot work.
- **Reduced Earning Capacity:** The effect of permanent restrictions on the person's ability to earn a living.
- **Pain and Physical Impairment:** The injury's physical consequences and interference with daily activities.
- **Disfigurement and Mental Anguish:** Lasting changes in appearance and emotional harm supported by the evidence.

For a construction worker, being unable to climb a ladder or safely grip a tool may have lasting financial consequences. Those limitations should be evaluated before a claim is settled.

What If the Employer Blames the Worker?

An employer's accusation does not decide the case. A worker may be blamed for falling when the real issue was an unsecured platform, or accused of standing in the wrong place when an operator moved equipment without warning.

The effect of worker fault depends on the claim. Workers' compensation generally does not require proof of negligence, although coverage exclusions can apply.

In a qualifying negligence action against a nonsubscribing employer, Texas law prevents the employer from relying on certain defenses, including the employee's ordinary contributory negligence. The employee must still establish employer negligence that caused the injury.

Ordinary third-party injury claims generally follow Texas proportionate responsibility rules. An injured person's recovery can be reduced by their share of fault, and responsibility greater than 50 percent generally bars recovery. These rules should not be confused with the rules governing nonsubscriber claims.

Witness accounts, photographs, training records, equipment inspections, and work instructions can help test accusations against what actually happened.

Construction Injury Deadlines Can Begin Before Recovery Is Complete

For Texas workers' compensation, an injured employee generally must notify the employer within 30 days of the injury and file a claim with the Division of Workers' Compensation within one year. Exceptions can apply. Reporting the accident to a supervisor is not the same as filing the required claim with the state.

Texas personal injury lawsuits generally have a two-year filing deadline, usually measured from the accident. Exceptions and special notice requirements can change the timeline.

Waiting also creates practical problems. A scaffold may be dismantled, a damaged component discarded, or surveillance footage overwritten. Early legal review allows an attorney to identify deadlines and seek preservation of evidence while the worker focuses on recovery.

Put The Herrera Law Firm to Work After a Construction Injury

A serious construction injury can leave a family wondering how the bills will get paid and whether life will ever return to normal. The Herrera Law Firm brings decades of experience representing injured people and investigating work accidents involving outside companies. Our work-injury results include a settlement of more than $10 million for a worker's wrongful death. Every case depends on its own facts and evidence.

We investigate who caused the accident, which companies may be responsible, and how the injury will affect the worker's future. The Herrera Law Firm handles third-party work injury claims but does not accept workers' compensation cases.

Contact The Herrera Law Firm for a free consultation about a San Antonio construction accident. An injured worker does not need to know which company is responsible before reaching out. Finding those answers is part of the work we do.