

Cherokee Nation Code Annotated

Title 85: Workers' Compensation

Chapter 1: General Provisions

§ 15. Burden of proof

Cite as: 85 CNCA § 15

A. Except as set forth in subsection (B), the claimant shall have the burden to prove by a preponderance of the evidence:

1. that an injury exists or that a death has occurred; and
2. that the injury complained of was the result of a work-related accident or occupational disease; and
3. that it arose in the course and scope of his or her employment.

B. Unless the employer presents clear and convincing evidence in rebuttal, when an employee is killed under circumstances indicating that the death took place within time and place limits of employment it shall be presumed that death arose out of employment and compensation shall be paid pursuant to 85 CNCA § 32.

Historical Data

LA 08-04, eff. April 21, 2004. Amended LA 31-05, eff. October 16, 2005; LA 21-06, eff. October 19, 2006; LA 20-10, eff. August 15, 2010.