

Cherokee Nation Code Annotated

Title 85: Workers' Compensation

Chapter 1: General Provisions

§ 36. Hernia—Operations

Cite as: 85 CNCA § 36

A. A claimant, in order to be entitled to compensation for a hernia, must prove by a preponderance of the evidence:

1. that the hernia is of recent origin;
2. that this appearance was accompanied by pain;
3. that this was immediately preceded by some accident suffered in the course and scope of employment; and
4. that it did not exist prior to the date of the alleged injury.

B. If the claimant, after establishing his or her right to compensation for a hernia, as provided above, elects to be operated upon, the operating fee and reasonable hospital expenses shall be paid by the employer.

C. If the claimant elects not to be operated upon and the hernia becomes strangulated, the results of the strangulation shall not be compensable.

D. Benefits for a hernia shall be limited to nine (9) weeks of temporary total disability, and should the claimant be released to return to work prior to the end of the nine (9) weeks, the claimant shall be compensated only for the number of weeks during which the physician restricted the claimant from work.

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.