

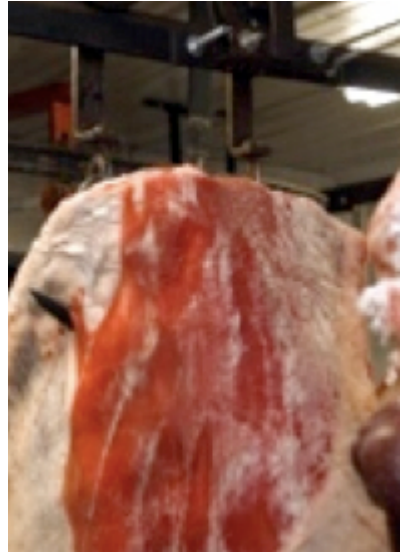


Written by [Steven J. DuBord](#) on December 15, 2009

Court Grants Benefits to Illegal Immigrant

A Nebraska Court of Appeals ruled on December 8 that an illegal immigrant who was injured on the job at Cargill Meat Solutions in Schuyler, Nebraska, is entitled to worker compensation.

Odilon Visoso, who was using the name Adam Rodriguez at the time, was working at Cargill on May 9, 2006, when a 100-pound piece of meat fell off a hook and hit the back of his head, neck, and shoulder. Despite his injury, he continued to perform light work at Cargill until he had surgery in October 2008.



Later that same month, Cargill fired Visoso because of his illegal status. News reports did not make it clear if Cargill knew all along about Visoso's illegal status or if they only found out about it after the surgery. By waiting to fire Visoso until after he had surgery, the company at least gave the appearance of wanting to avoid incurring any more expenses for his care.

The initial Worker Compensation Court decision came down in favor of Visoso. Cargill's attorneys had argued that because Visoso was in the United States illegally, he couldn't legally work here and was therefore disqualified from receiving worker compensation benefits. The court, however, ruled that worker compensation laws are meant to "relieve injured workers from the adverse economic effects caused by a work-related injury or occupational disease," further noting that "workers" include anyone performing labor for an employer, "including aliens."

The court's decision, upheld by the Court of Appeals, was that Visoso is entitled to weekly benefits amounting to \$343.04 as determined by the wages he was earning at Cargill. He is also entitled to repayment of future medical expenses related to his spinal injury and reimbursement for any travel associated with obtaining treatment.

"We find that although Visoso cannot legally work in the United States because of his immigration status, he is nonetheless an 'employee' or 'worker' who, as a general proposition, is covered by the Nebraska Workers' Compensation Act," noted the decision written by Judge Richard Sievers.

Ryan Holsten, an attorney for Visoso, pointed out that if the ruling had come down against his client, more businesses would have been encouraged to hire illegal immigrants because the illegals could always be discharged when injured on the job. Not only would employers get cheap labor, they would get off easy even when lax safety standards put these workers in danger.

"If companies weren't responsible for workers' compensation, they could hire more illegals, then when they got hurt say, 'Oh, too bad. We are not going to pay your benefits,' " Holsten [said](#) in a phone



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interview with the *Lincoln Journal Star*.

The Court of Appeals did postpone the decision on whether Visoso would be entitled to vocational rehabilitation services until he has reached the full extent of his medical recovery. His condition at that time would have to be evaluated, though the Nebraska Supreme Court has ruled in an earlier case that an illegal immigrant was not eligible for rehabilitation.

As Sir Walter Scott wrote: “Oh what a tangled web we weave, when first we practice to deceive.” If only America’s borders were secured in the first place, the occurrence of such legal conundrums would be minimized.



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