

Delaware Workers' Compensation



- General Rule - Employees are entitled to Workers' Compensation Benefits for injuries arising out of and sustained in the course of employment that occur in the State of Delaware
 - Extraterritorial jurisdiction can be conferred to injuries that occur outside the state of Delaware.
 - An employee will be entitled to benefits in DE if the injury occurs outside of Delaware and Claimant's employment is principally localized in the state of Delaware.
 - Employment is principally localized in a state when:
 - The employer has a place of business in the state and the person regularly works from such place of business; or
 - If the employer does not have a place of business in the state, the claimant both lives in and spends a substantial part of his working time in in the state; or
 - The employee is working under a contract of hire made in the state of Delaware for employment not principally localized in any state;
 - Example — Claimant injured by nail gun that misfired, resulting in the claimant being struck in the eye by a nail. Claimant was hired by a staffing company doing business in Delaware and Maryland. Contract of hire occurred in Delaware, on the border of Maryland. Claimant was assigned to work in Maryland. Claimant lives in Maryland, and was injured in Maryland. Claimant seeks benefits in Delaware.
- * Claimant argues that he was hired in Delaware, and that as an employee of a staffing company, he was a "temporary" employee. Therefore, his employment was not principally localized in any state. Claimant argues that he could be reassigned at any time
- * IAB denies jurisdiction finding that claimant's employment was principally localized in Maryland because that is the only place he had ever been assigned. The fact he "could" be sent to work in another state in the future was irrelevant. It only mattered where he had actually worked.