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Jones Act Overview

Introduction

The Jones Act (46 U.S.C. § 30104) is a federal law that governs personal injury or wrongful death lawsuits by seamen against their employer. The Jones Act gives officers and crew members of a vessel the right to sue their employers for negligence if that negligence plays any part in a death or injury at sea. Remedies under the Jones Act typically include:

- Past and future medical expenses;
- Lost earning capacity;
- Pain and suffering;
- Pre-judgment interest; and
- Found (the value of the room and board a seaman would have received had he remained at sea)

Elements

In order to recover under the Jones Act, a plaintiff must demonstrate that his case meets the requirements for a Jones Act lawsuit.

Vessel

First, a plaintiff's injuries must occur on a navigable vessel. In a 2005 decision in [Stewart v Dutra Construction Company](#), the United States Supreme Court gave a dispositive definition for a "vessel" as it pertains to Jones Act claims. The Court defined a vessel so as to include "every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water."

While this seems like an extremely expansive definition of a vessel, there are still some things that fall outside of the definition, even though they may be at sea. Fixed oil rigs, for instance, do not typically count as vessels since they are not capable of being used for aquatic transportation. Submersible oil rigs, however, do generally qualify as vessels since the rig itself floats and can navigate across the water.

Seaman

Next, the plaintiff must have been a "seaman" at the time of their injury. There is no hard-and-fast rule for what type of work makes a person a seaman, and courts are constantly having to decide the issue on a case-by-case basis.

There are some general guidelines for what constitutes a seaman, however. The main rule is that, in order to qualify as a seaman, a worker must contribute to the function of the vessel. To put it another way, the worker must aid in the fulfillment of the vessel's mission.

In applying this general rule, courts have uniformly ruled out longshoreman and other dock workers as seamen, even if they are injured while working on a vessel. Courts have determined that longshoreman simply load and unload equipment or cargo and do not actually perform the primary work of the vessel.

Courts also regularly deny Jones Act status for workers who perform most of their duties on land and just happen to be injured during transport or a temporary assignment on a vessel.

The question is closer for employees such as equipment operators, and courts will typically examine an employee's duties and the amount of time spent on the vessel to determine whether the employee's labor was meant to accomplish the vessel's mission.

It's also worth repeating that a Jones Act plaintiff must have been an employee of the vessel's owner in order to receive the Act's protections. Non-employees who suffer injuries or death while on a vessel must seek recovery through other federal or state laws.

Related Resources:

[LawBrain: Jones Act](#)

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