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(Neb.)-Justice Department Weighs In On Nebraska Judgment

By: Dennis and Kathi Brown Posted at: 05/12/2013 07:37 AM

By MARGERY A. BECK

Associated Press

OMAHA, Nebraska (AP) - A former railroad worker says the money he was awarded for injuries received on the job should not be subject to a federal railroad retirement tax, but the U.S. Justice Department disagrees.

Eddie Heckman, of Alliance, sued BNSF railroad in 2004 and was awarded \$145,000 in 2011. BNSF paid the award, but deducted \$6,200 to cover the tax withholding it says it must pay on compensation for lost wages.

Heckman objected, and a Box Butte County judge ordered BNSF to pay Heckman the \$6,200, saying the award was not compensation for lost wages.

The matter will be argued before the Nebraska Supreme Court on May 28. In a friend-of-the-court brief, the Justice Department says the lower court's order "may interfere with federal tax collection."