

Compensation for loss of salary due to injury of soldier

Abstract

A loss in the salary of a professional soldier as a result of an accident at work or an occupational disease may arise during the period of incapacity to perform the military service or after the termination of the incapacity to perform the military service. Both of these separate claims result from damage to the health of a soldier which he suffered during the performance of active military service. This rigorous thesis focuses on the general definition of terms such as occupational injury, occupational disease, the responsibility of the state (as an employer) for damage to the health of a soldier, then to compare public law on health damage with private law, determining the average and probable earnings of a soldier before the very occurrence of damage to health. The work also deals with compensation for loss of salary for the period of inability to perform the military service.

More space is then devoted to compensation for loss of salary after the end of incapacity, which the practice is more concerned with and, as a result, its legislation is more extensive and the case law on the issue is very rich, whether it relates to causal link between an accident at work or an occupational disease and damage to health. Attention is also paid to the effect of granting a disability pension on the compensation in question, as well as the issue of taking into account retirement requirements, earnings obtained in an employment relationship or agreements outside the employment relationship, or self-employment. A relatively large part of the work is defined by the issue of change of circumstances, as a result of which the responsible entity, as well as the injured party, can demand adjustments in compensation for compensation for loss of service salary after the inability to perform the service. Another important issue is the limitation period for the compensation in question, even in connection with the discrepancy between the objection of limitation and good morals resulting from the fact that it is damage to health.

The aim of the work is not only to analyse compensation for loss of salary of a soldier in all possible contexts that occur in practice, but also to outline the development of compensation for loss of earnings after incapacity for work and subsequently compensation for loss of salary after termination of incapacity Act No. 221/1999 Coll., on professional soldiers, as amended, which is the content of the last part of the work.

Key Words: soldier, compensation of salary, damage to health