

6.6 FELA—Damages

Comment

See Instruction 5.1 (Damages—Proof); Instruction 5.2 (Measures of Types of Damages), 5.3 (Damages—Mitigation); Instruction 5.4 (Damages Arising in the Future—Discount to Present Cash Value).

In those cases under FELA where damages are recoverable arising out of the fear of contracting cancer, the Supreme Court has held that it is reversible error to refuse an instruction that such fear must be “genuine and serious.” *CSX Transportation, Inc. v. Thurston Hensley*, 556 U.S. 838, 839 (2009).