

THE GREY & GREY REPORT

Published by:
GREY & GREY, L.L.P.

WORKERS' COMPENSATION – SOCIAL SECURITY DISABILITY – PERSONAL INJURY

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WHAT'S NEW AT GREY & GREY ...

At Grey & Grey, we make every effort to be there for you and to deliver the information you need about your case and the workers' compensation system. So we've added new office locations, more staff, more attorneys, and upgraded our web site to serve you better.

You can now meet with our attorneys at any of six offices throughout the metropolitan area (though we ask that you call first for an appointment). For directions, the latest news, or information about our firm, check us out on the web at www.GreyAndGrey.com.

You can also find us on Twitter @GreyGreyLLP and on Facebook at Grey & Grey, LLP



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In the past year we have added four attorneys to our staff. Sanjai Doobay, Arely Lemus and Felicia Bunbury have joined our industry-leading workers' compensation department, while Evelyn Gross has become part of our outstanding personal injury department. The firm is now 16 attorneys strong.



In other firm news, Grey & Grey personal injury attorney Steve Rhoads was elected to the

Nassau County Legislature representing the 19th Legislative District in March, 2015. In May, 2015, workers' compensation attorney Brian O'Keefe was named Chair of the Nassau County Bar Association Workers' Compensation Committee. Managing partner Robert Grey continues to serve as the Chair of the Workers' Compensation Alliance and the Treasurer of the New York Committee for Occupational Safety and Health (NYCOSH), and was also named to the New York State Workers' Compensation Board Advisory Council.

NYCOSH

New York Committee for Occupational Safety & Health

At the end of 2014 the firm released a major report on the workers' compensation system, called Workers' Compensation in New York State: State of the System 2014. The report can be found on our web site. Another scholarly article written by Robert Grey was published in the Syracuse Law Review, which is produced by the Syracuse University School of Law.



WHAT'S NEW IN WORKERS' COMPENSATION ...

In a landmark case, the firm proved

that a transit worker's exposure to diesel exhaust led to his lung cancer and eventual death. The case, litigated by workers' compensation attorneys Brian O'Keefe and Alissa Gardos, is believed to be the first case in the country establishing the link between diesel exhaust and lung cancer in the legal arena. The decision was reported by both the Chief-Leader and the Wall Street Journal.



In another significant case, the firm sued to invalidate a Workers' Compensation Board regulation that limited insurance company liability to a \$500 penalty for late payment of an award, instead of the twenty-percent late payment penalty provided by law. In June, 2015 the Appellate Division in Albany agreed and struck down the regulation. The decision will entitle Grey & Grey clients to tens of thousands of dollars in penalties that insurers would have otherwise avoided paying.



TIPS TO HELP YOU GET YOUR WORKERS' COMPENSATION BENEFITS...

See Your Doctor Regularly as Long as You are Disabled From Work. To receive benefits for time out of work, you must see the

doctor at least once every three months. The insurance company doesn't have to pay you compensation for any period in which there is no medical evidence.

Keep Track of Out-Of-Pocket Expenses. You are entitled to be reimbursed for travel to and from your doctors and the I.M.E.s, prescriptions, bandages, canes, crutches, etc.. Keep track of the expenses, keep the receipts together, and send them to the insurance company for reimbursement. Be sure to keep a copy for your records!



Attend Hearings. Be on time (early if possible). Some judges will call your case precisely at the scheduled time and hold the hearing without you; other times you will have to wait to be called. It's safer for you to be early than late. **Bring your most recent medical report with you any time a hearing is scheduled.**

Keep Track of Workers' Compensation and Salary Payments. Keep an accurate record of what you are paid while you are out of work, whether your payments come from the employer or from an insurance company. Sometimes the insurance company is entitled to take credit for what you were paid while out, and it is important to have a good record of what was paid. Other times there may be questions about whether proper payments were made, and having your own record can be very helpful.

Keep Track of Your Earnings On Return to Work. If you are making less money when you return to work, including loss of overtime due to injury, keep copies of your paystubs. If it can be shown that you are making less money because of your injury, you may be entitled to workers' compensation for the loss of income.

223 John R. Doe		Pay Period 06/02/08 to 06/14/08	Resident Information
Start Date	06/02/08	06/14/08	Resident Name: Doe, John R.
Hours	40.00	40.00	RCA - Medicare
Rate	9.00	360.00	06/08 12.15
This Period	360.00	360.00	WI State Income Tax
YTD	360.00	360.00	25.52
WTD	360.00	360.00	RCA - Social Security
Other Deductions			
Health Insurance	00.00	00.00	
401K	00.00	00.00	
Parking	00.00	00.00	
NET PAY	360.00	360.00	
Gross Pay	400.00	400.00	

Your Employer: 1234 Spine Street, Milwaukee, WI 53202
 Check Number: XXXXX
 Pay Date: 06/15/08
 PAY ***Four hundred eighteen dollars and 00 cents*****\$418.00
 To the Order of: John R. Doe, 500 Spine Street, Milwaukee, WI 53202

WHAT'S NEW IN PERSONAL INJURY...

The Scaffold Law provides essential protection to construction workers who put life and limb at risk by working on ladders, scaffolds, rooftops and other elevated worksites. Our personal injury department has represented hundreds of construction workers who suffered serious injuries when they fell from a height.



Unfortunately, the law remains under constant attack by business and the insurance industry. It's a battle of profit against worksite safety. We are pleased to report that in 2015, worksite safety won out – but further efforts to undermine the law are inevitable.

Other common construction site injuries are slips and trips on debris or materials that were not stored properly. These are violations of the state Labor Law, and can provide the basis for a personal injury lawsuit.

UPDATE ON THE SEPTEMBER 11TH VICTIMS COMPENSATION FUND...

As of March 31, 2015 the VCF had found over 10,000 responders eligible for benefits, and made awards in about 4,400 cases.

At this point, most people who are potentially eligible for an award from the VCF have registered, although new registrations can still be submitted for new conditions. For those who have registered, **all of the forms for eligibility and benefits must be filed by October 3, 2016.** At Grey & Grey, we have completed the registration process for all of our clients and are hard at work collecting the information that is needed for the eligibility and benefit process. So far, we have obtained awards worth almost \$2 million for our VCF clients, with many significant claims still pending.

At the present time, the VCF is only making payment of ten percent of the awards, based on the funds currently available. The balance of the awards are expected to be paid in 2016/2017. The VCF may pay less than the full value of each award, depending on its funding, the number of eligible responders, and the total value of the awards it has made.

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THE LATEST NEWS ABOUT WORKERS' COMPENSATION AND PERSONAL INJURY CASES

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