

GREY & GREY, PLLC

TOP 10 things you need to know about Workers' Compensation

1 Notify Your Employer as Soon As Possible.

The NYS Workers' Compensation law gives you 30 days to report your injury, but delayed notification can cause the employer or its insurance company to contest your claim.

2 See a Doctor Who Handles Workers' Compensation Cases.

The Workers' Compensation system requires medical proof you were injured on the job to receive wage loss benefits and approval for treatment. You **must** see a doctor who is authorized to treat Workers' Compensation patients and who understands what the system requires. If you can't work, you must see the doctor at least once every 90 days to receive wage-loss benefits. The employer or insurance company will not pay you for any period in which you do not have medical proof of disability.

3 File a C-3 Form With the NYS Workers' Compensation Board.

The law requires you to file your claim with the Workers' Compensation Board. Form C-3 is available from the Board or from Grey & Grey. In most cases, a C-3 form must be filed within two years of the date of the accident. A C-3 form is a legal claim and should be reviewed by an attorney before filing.

4 Get Legal Representation.

It is difficult for unrepresented workers to understand the Workers' Compensation system and receive all available benefits. There are many technical rules and processes that have important legal consequences. In most cases, it is in the injured worker's best interest to have the assistance of an attorney who knows the rules. Workers' Compensation attorneys are only paid if they obtain benefits for the worker. Retaining an attorney sooner rather than later can help avoid mistakes that can cause problems later on.

5 Keep Track of Out-Of-Pocket Expenses.

You are entitled to be reimbursed for travel to and from doctors, physical therapists, independent medical examinations, and for expenses like bandages, canes, and crutches. Expenses should be recorded on Form C-257, available from the Board or Grey & Grey.

6 Keep Track of Your Earnings When Returning to Work.

If you are making less money after the accident as a result of your disability, including loss of overtime due to injury, keep copies of your paystubs. The law provides benefits for reduced earnings.

7 Attend Independent Medical Evaluations (IMEs).

Employers or their insurance companies may schedule you to see one of their own doctors in connection with your Workers' Compensation claim. If you are scheduled for an Independent Medical Evaluation (IME), keep the appointment. You are entitled to bring someone with you and to record the examination. If the IME asks about a previous injury to the same body part that is involved in your Workers' Compensation claim, it is important to be truthful in order to avoid problems in your case.

8 Keep Track of Your Payments.

Although employers and insurance companies are supposed to file records of their payments with the Workers' Compensation Board, mistakes can happen. It's a good idea to keep a folder with compensation check stubs or a list of payments.

9 Read ALL Notices from the Workers' Compensation Board.

Once your claim is filed, you will receive notices from the Board. It is important to read them carefully and send a copy to your attorney so proper and timely action can be taken. Missing a deadline could be the end to your case. Only an experienced Workers' Compensation attorney will know how to properly respond to all notices and guide you.

10 Know ALL Your Rights.

There are a number of other rights that may apply to a work-related injury you should discuss with a lawyer.

- **Personal Injury Lawsuit:** Although you can't sue your employer for an on-the-job injury, if someone outside the employment was negligent, then you may be able to sue that "third party" for personal injury. Examples would include motor vehicle accidents, construction site accidents, or trip and falls.
- **Social Security Disability:** If you are expected to be out of work for more than a year, you may be eligible for Social Security Disability benefits.
- **Long-Term Disability:** You may have a private insurance policy that offers wage loss benefits over and above Workers' Compensation.
- **Crime Victims' Compensation:** If the injury was the result of an assault, you may be eligible for crime victims' compensation benefits. Information and forms are available at ovs.ny.gov.
- **Unemployment, Disability Retirement, and No-Fault** are just a few of the other benefits that may be available to supplement Workers' Compensation.

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