

5 PITFALLS

& 10 Ways to Avoid Them
When Applying for Worker's Compensation



AVOID THE SKEPTICAL EYE

Employers are concerned about rising workers' compensation costs. Claims are being denied more rapidly as employers become more suspicious about their legitimacy. Here are a few examples of what employers look for to avoid paying for questionable workers' compensation claims. If one of these fits the situation employers typically view it with a skeptical eye for fraudulent behavior.

1 If an injury occurs late on a Friday, but is not reported until Monday because the employee thinks it's not a big deal at the time of the injury, employers often think there is a possibility of fraud. Many employers believe that injuries that take place on the weekend are masked until an appropriate time on Monday, when they can be reported as on-the-job accidents and covered under workers' compensation.

2 Accidents which „occur“ just before or immediately after a strike, job termination, lay-off, end of the project or end of seasonal work are always subject to scrutiny. When a plant is about to close, this information travels quickly. Employers have the attitude that it is not surprising that „injuries“ that people could work through before learning that they were about to lose their jobs become more serious upon news of a reduction in force.

Any accident that is not witnessed by other employees or any accident where there was a substantial delay in reporting will always more than likely be denied.

3 If an injured worker has an extensive history of previous claims, each additional claim will be investigated more closely by the employer and insurer.

4 If an injured worker gives a different description of the accident to his employer than he does to his doctors or if his medical history changes from office visit to office visit, this will be a red flag for the employer and their insurer. The claim will most likely be denied.

5 If an injured worker receives a release to return to work from his or her authorized treating physician and immediately requests a change in treating physicians, many employers will believe there is a possibility that claimant is trying to „doctor shop“ and may not really want to return to work.

TEN WAYS TO AVOID THESE PITFALLS IN YOUR WORKERS' COMPENSATION CASE

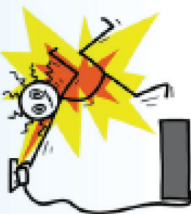
1. **Report your injury.** Notify immediately a supervisor or person in management/Human resources as soon as possible after your accident. Even if you think that you are going to recover, it is always best to report your injury. Better safe than sorry mom always said. This is especially true if the injury occurs on a Friday or right before a holiday/vacation.

2. **Put it in Writing.** Ask your employer for the first notice of accident report and complete it and then ask for a copy. Make sure you answer the who, what, when, where and how questions.

3. **Request medical care.** Before you leave the jobsite ask your employer to send you for medical treatment immediately. Do not see a doctor under your personal health insurance. See a doctor whose bill will be paid by your employer's workers' compensation insurance carrier.

4. **Confirm all Witnesses.** If you are injured and co-workers are nearby, make sure you let them know how you got injured and what parts of your body were hurt in the accident.

5. **Be Consistent.** When you complete the incident report make sure the history of how it occurred and what was injured is consistent between your employer and the doctors you see. The employer and insurer will compare the reports to make sure that the history you give is the same. If you go to the doctor and are not specific about where, when, and how you were injured, your claim may be denied.



6. **Record the events.** Keep track of dates, conversations, and other important information on a calendar. That way, if necessary, you will be able to reconstruct who you spoke to about your injury, when you

spoke to them and where and when you received medical treatment for your work related injury.

7. **Know your Rights.** In New Jersey the employer gets control of the medical care. However, there are more than one doctor on the carrier's panel. Ask the employer to show you the Panel of Doctors as you can choose one from that panel.

8. **Get information.** After your on-the-job accident, speak to an attorney as soon as possible. Be aware, the employer doesn't care about you, the carrier thinks you are faking and the doctors are part of the insurance panel. You must know your rights and have a certified workers compensation law attorney providing you answers to your questions.



9. **Don't give a statement or Sign any forms.** Do not give a recorded statement to an insurance company representative without speaking to an attorney. An attorney will be able to tell you whether a statement is even necessary and will properly prepare you. Also, do not sign any paperwork and send it back unless an attorney has reviewed it. Carriers have access to large databases and can get information on you very quickly without you even knowing. If you sign the wrong form you may have just allowed the insurance company to get 10 years worth of family medical records.

10. **Keep Copies.** Every time you see the doctor you will get some paperwork. Make sure to give a copy to your job especially if the doctor is keeping you out of work and keep an extra copy for your records. If you decide to hire an attorney, it will be quite helpful if you can provide your attorney with the paperwork from your doctors. This will give her a good understanding of the chronology of the treatment that you have received.



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