

The Importance of Filing Your Workers' Compensation Claim Quickly and Correctly

As an injured worker, you are entitled to receive payment of reasonable medical expenses as well as wage-loss benefits. In order to receive compensation, you must notify your employer within 120 days of the injury. However, if you wait too long after the injury occurred to, you run the risk of having the claim denied. Immediately following a work injury, the most important things to do are seek medical attention and notify your employer.

Once you notify your employer of the work injury, the employer's insurance carrier has 21 days to either accept or deny your claim. One reason to notify your employer immediately is to gain access to medical attention. Depending on your workplace, your employer might have panel doctors or send you to a hospital. Even if you carry personal health insurance you should not have to use it to treat a work injury. Another reason to notify your employer is to fill out an incident report. It is important to document the work injury early to include details such as the time of the injury, the location, the manner in which it happened, and any witnesses to the incident.

By notifying your employer immediately, you also eliminate any doubt that the injury happened within the course and scope of your employment. For example, if you injure your back at work and notify your employer the same day of your injury, you establish a timeline of events that will be difficult to disprove. On the other hand, if you wait until the next day or the following week to seek medical attention or notify your employer, you will have a harder time establishing the basic elements of your claim. The bottom line is that notifying your

employer as soon as possible will boost the legitimacy of your claim.

It is also important that your workers' compensation claim be filed correctly. The date of injury and manner of injury must be consistent through the paperwork. The description of injury should include all parts of the body affected. For example, if you fall at work and injure your head and arm, those should be mentioned in your description of injury and in complaints to your doctor. If instead you mention the head only and do not mention the arm until a later time, your employer might challenge that aspect of your injury and treatment and argue that it is not work-related.

Sometimes while treating a work injury, another condition might develop that arose out of the work injury. In those circumstances, there are ways to amend the description of an injury to include subsequent diagnoses. Initially, however, you have the burden of establishing that you were injured at work, so the better handle you have on the facts up front, the better off you will be.

If your employer's insurance denies your claim, you will need to file a claim petition in court. The claim petition will include information regarding the date and description of the injury, as well as wage information. The statute of limitations for filing a claim in court is three years from the date of injury. If you were receiving workers' compensation benefits and they were terminated, you have three years from the date of your last payment to file for reinstatement.