

Returning to Work After A Workers' Compensation Claim

Even if a doctor gives someone a “clean bill of health” to return to work following an accident, where workers' compensation benefits were collected, the injured worker still faces that moment of truth for the first few days back on the job, which determines whether the person can truly resume work at his or her previous level. Sometimes the answer is no, and if so, that return to work doesn't have to mean an end to workers' compensation benefits if the worker later stops working due to the injury.

But in these situations, the law is careful to ensure that the time off after returning to work must be from the same injury that caused the original time off. As one Pennsylvania man recently learned, time off for a mandatory drug rehab program doesn't qualify.

In May 2011, a Pennsylvania Workers' Compensation Appeals Board ruled that Jeffrey Singleton, who had been injured during the course of his work with the Pennsylvania Department of Transportation when he was struck by a falling tree, could not claim additional workers' compensation after he returned to work, but then failed a drug test and was ordered to not return to work until he completed mandatory drug rehabilitation.

Surprisingly, the Workers' Compensation Judge who first heard Singleton's case awarded him the additional compensation for his second, rehab-related absence from work. His employer appealed the case, and the appeals board stressed that not just any absence from work qualified; workers' comp benefits are payable only when they are for a work-related injury.

As was the case for Singleton, the employer usually suspends the workers' compensation benefits when the employee returns to work at his or her previous pay (or higher). Under

Pennsylvania law, the employer must send a notification of this suspension of benefits to the employee within seven days of the suspension taking effect. If the employee wishes to challenge the suspension of benefits, he or she must do so within 20 days. If the worker does nothing, the benefits are officially terminated.

If you're returning to work after receiving workers' compensation benefits, you only have a short time to determine whether you really can handle being back on the job. If you receive your notice that benefits have ended, but are unsure whether your injury will allow you to continue to work, talk to an experienced workers' compensation attorney at Martin Law, who can ensure your rights as a Pennsylvania employee are protected. Call 215.587.8400 today!