

Working for people who can't.

» Workers' Compensation » Social Security Disability » Long-Term Disability » Veterans' Benefits



WORKPLACE SAFETY

Job safety and health: it's the law!



OUR ATTORNEYS

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THIS IS THE FIRST IN A SERIES ABOUT WORKPLACE SAFETY. Workplace safety is an important aspect of the work we do at Martin. You may have noticed our new TV campaign which focuses on the importance of safety in the workplace. *"We would prefer that people didn't get injured in the first place,"* states **George Martin**. However, we recognize that accidents and injuries do happen and that's why we are here to help protect your rights.

Our goal is to provide as much education as possible to help keep you safe at work and understand the process if you do become injured on the job.

YOUR RIGHT TO A SAFE WORKPLACE

The Occupational Safety and Health Act of 1970 (OSH Act) was passed to prevent workers from being killed or seriously harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. The Act created the Occupational Safety and Health

Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to workers and employers. Workers may file a complaint to have OSHA inspect their workplace if they believe that their employer is not following OSHA standards or that there are serious hazards.

As a worker you have the right to:

- a safe and healthful workplace
- tools and equipment needed to do your job safely
- training in a language you understand
- use your rights under the law without retaliation and/or discrimination

If your employer retaliates against you because you are involved in raising concerns or reporting violations of environmental rules and regulations, you can contact OSHA for help.

» *If you have questions about this article please call our experienced attorneys for a free, no obligation consultation by calling 215-587-8400.*

SPOT THE COMMERCIAL AND WIN!

If you see the commercial we want you to let us know when you spot it and you can score an exclusive "Safety Kit" which includes our fun orange safety cone stress reliever. Get your own safety kit by sending an E-MAIL to safety@paworkinjury.com with the time, day and channel that you saw the commercial.

**Safety Kits are limited to the first 500 to respond so let us know as soon as you see it! (Limit 1 per household.)*

1818 Market Street, 35th Floor, Philadelphia, PA 19103

main 215-587-8400 fax 215-587-8417

branch offices and by appointment only locations

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PAWORKINJURY.com

RECENT SETTLEMENTS:

Below is a sample of recent settlements and recoveries we've helped to obtain for our clients.

\$360,000 AWARDED

to a roofer with multiple injuries after falling off a roof

\$356,000 AWARDED

to a retail manager after an accident causing nerve damage

\$235,000 AWARDED

to a police officer who slipped and fell on ice causing nerve damage

\$293,000 AWARDED

to a university practice manager with a back injury from falling down stairs

\$200,000 AWARDED

to a truck driver with a lower back injury

\$340,000 AWARDED

to a maintenance worker killed in a motor vehicle accident

\$237,000 AWARDED

to a drilling driver with a low back injury from a slip and fall

\$360,000 AWARDED

to a dock worker with a knee injury from a fall from a ladder

\$364,000 AWARDED

to a concrete worker with a back injury

\$623,000 AWARDED

to a construction worker with brain damage from a head injury

\$447,000 AWARDED

to a maintenance mechanic with a head trauma

\$360,000 AWARDED

to a bank teller with multiple injuries due to a motor vehicle accident

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SOCIAL SECURITY CLIENTS:

Have you received a Continuing Disability Review Notification?

BY JOSEPH D. CAPITAN, ESO.

If you currently receive Social Security disability (SSD) or Supplemental Security Income (SSI) benefits, you need to understand that there is no such thing as permanent disability guaranteeing future payment of benefits. The Social Security

Administration (SSA) will periodically review your case to see if your disabling medical impairments ended or improved, and if you can return to work. This review process is called a continuing disability review, or CDR.

When a claim is awarded, the state agency or an administrative law judge may suggest a review in the near future – usually within 12 to 24 months. Sometimes it can take 5 to 7 years after the initial award of benefits before the SSA reviews your claim again. Other triggers for a CDR could be a return to work, medical evidence that a previously disabling condition has improved (e.g. cancer now in full remission), or information from someone, such as a doctor or even a neighbor, that your conditions are no longer severe. There is no way to anticipate if or when a CDR will happen and they are at the sole discretion of the SSA.

Times, They Are A-Changin'

There has been a lot of undeserved bad press about SSD benefits in the news lately. The result is that, as of January 2014, the SSA has initiated reviews on thousands of cases in Philadelphia and surrounding regions due to unwarranted concerns over fraud and abuse of the system. The administration now employs a fraud investigation unit that is looking at your Facebook account and, in very limited circumstances, conducting surveillance.

What Happens Next?

If you currently receive SSD or SSI benefits you may get a letter asking for updates on your medical



conditions, your recent medical treatment, and current medications. You need to respond within the time frame provided by the SSA and keep in constant contact with the agency. If you do

not, they can and will terminate your benefits.

You may be asked to attend a physical or mental examination with one of the SSA's doctors and you must attend this appointment. If you don't reschedule or show up for the examination, the SSA could stop your benefits based on your failure to cooperate.

If you get a letter stopping your benefits due to a CDR you must do two things immediately:

- (1) Call an attorney that can help you prove to a judge that nothing has changed and you still have the same disabling medical conditions that prevent you from working. You do not have to use the same attorney you did during your initial claim, and you should use a lawyer you are comfortable with and will work hard for you.
- (2) If you do not want your benefits to stop while you wait for a hearing, you must notify the SSA within 10 days of the dated letter notifying you of the stop in benefits. If you choose to continue your benefits and lose at the hearing, you will owe that money back to the SSA and the payment of future benefits will stop. If you do not notify the SSA within the 10-day deadline that you are electing for your benefits to continue while you wait for a hearing, your monthly benefits will stop. The stakes are high so you need to make smart, quick decisions.

» *If your claim is under a review or facing a stoppage of your benefits, please call our experienced attorneys for a free, no obligation consultation by calling 215-587-8400 before it's too late.*

PENNSYLVANIA SUPREME COURT DECISION

The Supreme Court of Pennsylvania has reinstated the earlier decision of a trial court judge who determined that the Post-Traumatic Stress Disorder (PTSD) suffered by the manager of a Pennsylvania Liquor Store during a robbery is, in fact, a compensable work injury and not the result of a “normal working condition.” As a result, a Martin law client will receive retroactive pay and await a new decision from the Commonwealth Court.

In 2011, following the employers appeal of the compensation claim, the Commonwealth Court disagreed with an earlier judge’s decision and halted the clients benefits saying that the robbery was “normal” for his job.

“Obviously, we didn’t agree with that decision,” said Al Carlson, attorney for Greg Kochanowicz. “This is not someone in the armed forces or law enforcement who understands that danger is a risk every day at work. This is someone who did his job for 30 years without incident, then faces a single terrifying, life-threatening occurrence at that job. This is absolutely not a normal working condition. If you deny this man the means to get the medical help he needs how can he return to any job?”

The Commonwealth Court will now re-review the case and issue a new decision on the matter. We will keep you posted on the results of this potentially groundbreaking case.

MEET THE RECEPTION TEAM!

Martin LLC employs a six-person reception team to ensure we are answering and transferring all your calls in a timely manner. These are the first people you talk to when calling the firm or walking through our doors (and we thought you’d like to put a face to the voice!) These are the faces of that team and here’s a little information about the folks directing your calls.

reception team lead **LENORE CAPRI** has been with the firm since 2010 and lives with her husband and kids in NJ.

receptionist **DANIELLE GABRIELE** has been with the firm since 2012 and lives with her husband and son in NJ.

receptionist **DESIREE OLMO** has been with the firm since 2010 and lives with her son in South Philly.

receptionist **IVELISSE “EVIE” HAGY** has been with the firm since 2013 and lives with her husband in NJ.

receptionist **KANEEZ MAHDI** has been with the firm since 2012 and lives with her husband and kids in Elkins Park.

receptionist and filing **SHARON GREEN** has been with the firm since 2001 and lives with her son in South Philly.



PICTURED L-R:
Danielle Gabriele, Ivelisse “Evie” Hagy, Sharon Green, Desiree Olmo, Kaneez Mahdi and Lenore Capri.

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COMMUNITY SUPPORT

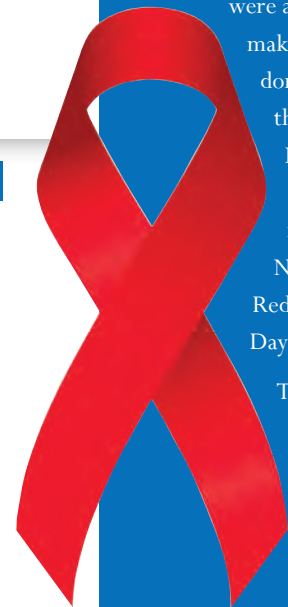
At Martin law, community support is one of our core values. In 2014, the firm continues an initiative that began last year, “Martin LLC Gives Back,” where each month we choose a different community organization to support through various donations and volunteering.

» In December, the firm held a toy drive for the **Children’s Hospital of Philadelphia (CHOP)**, to collect new and unwrapped gifts for children who were spending the holidays at CHOP. The firm raised money and donated more than 50 gifts with that money!

» During the month of January, we helped to raise money for **Forgotten Cats, Inc.**, which focuses on the catching, spaying and neutering of stray cats. We helped to raise money toward the purchase of a new van for this non-profit organization out in Willow Grove.

» In February, employees were asked to make financial donations for the **American Heart Association**, in support of National Go Red for Women Day Campaign.

The employees of the firm raised \$597 for the three causes.



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**SEE INSIDE FOR A
SPECIAL FREE SAFETY
KIT OFFER!**



ELECTIONS AND SPEAKING ENGAGEMENTS

MATT WILSON serves on the Centennial Committee which is planning the commemorative activities which will celebrate the 100th Anniversary of Pennsylvania Workers' Compensation on June 2, 2015.

MARIA BERMUDEZ was appointed 2014 co-chair of the Philadelphia Bar Association Social Security Disability Committee and held their first meeting of the year on January 17 where **JOE HUTTEMANN** spoke to the group on the impact that SSD has on workers' compensation cases, and **JOSEPH CAPITAN** reviewed best practices in evaluating workers' compensation issues when taking on new SSD cases.

AL CARLSON served as a faculty member for a Continuing Legal Education (CLE) course entitled "I Know What you Did Last Weekend: Use of Social Media in Workers' Compensation Litigation" on March 7.

JOSEPH CAPITAN was a guest speaker at the Montgomery County Estate Planning Counsel on March 24 and spoke to the group about Social Security Disability.

AL CARLSON served as a guest lecturer to the Workers' Compensation Class of Villanova Law School for professor Hon. Todd B. Seelig on April 8.

MATT WILSON and **GEORGE MARTIN** will once again be presenters for the Pennsylvania Workers' Compensation Practice and Procedure 2014 aka "the bible" on May 7 in Pittsburgh, May 13 in Camp Hill and May 22 in Philadelphia.

MARIA BERMUDEZ has been elected to a 3-year term in the Pennsylvania Bar Association's House of Delegates beginning at the 2014 PBA Annual Meeting in Hershey PA on May 16.

MATT WILSON will officially take on his role of Chair of the Workers' Compensation Section of the Pennsylvania Bar Association at the Annual Meeting in Hershey, PA on May 16.

Check out wc100pa.org for more information about the ongoing efforts to commemorate 100 years of workers' compensation in Pennsylvania!

