

PA Federation of Injured Workers

Checklist for Worker's Compensation



An Injury To One,
Is An Injury To ALL

Recovering from a work related injury is difficult enough without having to wind your way through the confusing worker's compensation maze of red tape. Below is a checklist to help you make sure that everything has been done and filed to bring your worker's compensation claim to a successful end. If you are unable to do this get someone to help you, it's that important.

- ◇ Most important, make sure your employer actually filed an injury report with the Commonwealth of Pennsylvania's, Department of Labor & Industry, Bureau of Workers Compensation, and get a copy of it. The employer must file the report within 48 hours of the injury.
 - Make sure that how your injury occurred is documented and correct.
 - If there were any witnesses to your injury make sure their statement is included in the injury report. This will make it very difficult for your employer/worker's compensation insurer to deny your injury and your worker's compensation claim.
- ◇ If your employer/worker's compensation insurer deny your workplace injury you want to find an attorney to help you establish your worker's compensation claim.
 - The attorney can help you to file an application for an administrative hearing with the PA worker's compensation board and to file any other petitions necessary.
 - In a contested claim the injured worker will have to go for a long period of time without any income. To avoid this an injured worker can file a Social Security Disability Claim and this may take less time to establish if good medical documentation is available about the disability.

If you find it necessary to hire an attorney use the PA Federation of Injured Workers information sheet titled, "Questions for Perceptive Attorneys" to make sure you will receive the best legal representation and to ensure the attorney will do the legal work you expect. The PFIW has panel attorneys that have signed an agreement to offer special benefits to members of the PFIW that will not be offered otherwise. Always try to negotiate a better attorney fee agreement. Why pay more when you can pay less?

- ◇ Get a copy of your employee file that should contain a copy of your worker's compensation file your employer will keep on you. Review it to make sure it reflects what your injury is and how you got injured.
 - The file should also include a copy of an NCP (Notice of Compensation Payable) which determines your average weekly wage that determines your income while on workers compensation.

It is important to understand that for the first 90 days of an injury the injured workers must treat with an employer designated panel physician unless the employer waives that requirement for the injured worker. This was legislated to lower the cost of medical treatment and it may interfere with proper medical treatment. You have the option of seeing your own physician to get proper treatment at your own expense. After the 90 days you can choose any physician you want and workers compensation will pay for it. If you feel you did not receive proper medical treatment the first 90 days you can speak to an attorney about a medical malpractice suit.

- ◇ Ask the treating physician for copy of the medical record he is keeping for your injury. It should include all report the doctor sends to the employer/worker's compensation insurer.
 - Check to see that the treating physician has filled out the medical forms properly and completely to avoid having a hearing delayed because the treating physician forgot to check a box or answer a simple question.

- Make sure the medical reports include how the injury is related to your employment, a full diagnosis of the injury, the course of treatment and any permanent or partial disability rating.

◇ When the worker's compensation hearings start make sure you confer with your attorney to make sure that there is not confusion as to what is going on in your claim. You must make sure that the attorney has not confused your claim with another injured workers claim. These workers compensation attorneys handle many cases and may confuse facts from time to time. It's your responsibility to keep all parties supporting your claim on the same page.

◇ Keep every correspondence you receive pertaining to you work injury and workers compensation claim. Record keeping is most important to ensure you protect your rights. Document everything you do that pertains to your work injury.

- Document travel mileage to and from medical treatment/physical therapy for your injury. You are entitled to be compensated for that expense.
- If you attend the hearings for your workers compensation claim document the mileage you travel to and from the hearing location because you are entitled to compensation for that expense.
- If any interviews for employment, vocational rehabilitation, injury evaluations for the employer/worker's compensation insurer are required document the mileage you travel to and from the locations because you are entitled to compensation for that expense. Also document everything you can remember about the interview immediately. Don't let time pass before documenting the interview, you may forget something that will be very important.
- Document phone calls. Make note of who called and what the subject was for the call.