

Social Media & Your Texas Workers' Comp Case

If you're online right now reading this post, chances are you have at least one social media account. Facebook, Twitter, MySpace and a host of other sites are loaded with people who post updates about their daily activities, feelings and whereabouts. Have you ever taken a moment to consider how your posts on these sites can affect your workers' compensation case?



I started thinking about this a week or so ago when I got an email from Professor Gregory Duhl of the William Mitchell College of Law in St. Paul, Minnesota, indicating that he is publishing a [paper on social networking evidence in workers' compensation litigation](#). Insurance companies are using information found on Facebook and these other social sites against injured workers. It makes sense...for years insurance carriers have been hiring private investigators to follow injured workers around to see what they are doing when the doctors have taken them off work.

If you are off work due to a work injury, what do your Facebook posts say about your functional abilities? If you posted about going to the Friday night football game, does that say something about whether or not you could go to work?

The day is coming when insurance companies will start getting a subpoena for the social media pages of injured workers. So beware, and watch what you post. Even things that seem innocent can be used against you. For instance, if you are off work due to carpal tunnel syndrome, it might not be a good idea to post about what you cooked for dinner. If you have a low back injury keeping you from performing your job, don't post that beautiful picture of you standing up holding your granddaughter. Expect someone to be looking, searching for a reason to deny your benefits. And if you think you have blocked those that aren't your "friends" from seeing your page, just know that a subpoena can break through that barrier.

Although not a story of innocence, [check out what happened to Alexis Muniz of New York](#). She was collecting workers' compensation benefits after telling the insurance company that she could not work. After posting on Facebook about her job as an apartment complex manager, she was charged with and convicted of committing fraud for collecting workers' comp benefits while working and lying to the insurance company.

Be smart about what you post on social websites. Even though your family has to eat regardless of your injury, and children have to be held regardless of your injury, those without compassion will attempt to turn that innocence into evil.