

# State of Illinois Employee Awarded College Education, Penalties and Attorneys Fees

Thursday, July 9th 2009

We hear it every day; injured workers who trust that their Workers' Compensation benefits will be there, trusting too, that their employer's Worker's Compensation insurance company has their best interests at heart and have been very nice. The arbitrator found the adjustor's testimony to be "inconsistent and not credible" in light of clear evidence submitted by the Horwitz legal team, finding that the State was not only responsible to pay the bills, but also liable for penalties given that there was no credible reason for delaying such payments.

In far too many cases, nothing could be farther from the truth no matter how compassionate an adjuster seems early on, regardless if your employer is a large or small company ...or even the State of Illinois.

A recent case of mine proves that when fought aggressively, insurance companies learn the hard way that it doesn't pay to shortchange or deny injured workers of their benefits.

Employed by the State of Illinois for the Illinois Dept of Health and Human Services, our client was injured during a fire drill while providing security for prisoners at a maximum-security facility in Joliet for sexual offenders in July of 2001.

Suffering severe back and neck pain – injuries that would later require two cervical spine fusions and a lumbar spine fusion -- she was initially denied TTD for six months. Over the course of the next six years, she tried to return to work twice, but was not allowed light duty – restrictions ordered by her physicians – and ultimately was placed on leave of absence.

Since that time, our client had searched for employment that could accommodate her physical restrictions, providing evidence of such in the form of 290 contacts that resulted in zero job offers.

To make matters worse, the State's insurance company had failed to pay a great many of her medical bills, posing additional hardship on our client to receive much needed care. Under oath, the adjuster testified that he didn't recall getting the bills, but the Horwitz team was able to prove that the bills had been submitted, in some cases, twenty-six times by either the medical providers directly or the Horwitz firm on our client's behalf.

The arbitrator found the adjustor's testimony to be "inconsistent and not credible" in light of clear evidence submitted by the Horwitz legal team, finding that the State was not only responsible to pay the bills, but also liable for penalties given that there was no credible reason for delaying such payments. The arbitrator did not believe their position -- that they did not receive the bills.

The purpose of the Illinois Workers Compensation Act is to make injured workers whole. This includes vocational rehabilitation, which can include training and education at the cost of the employer to allow a person to re-enter the work force and minimize loss of income.

Our client had made multiple attempts to meet with the state's Disabled Worker Program; including taking a variety of tests to further the process and traveling to Springfield to arrange a meeting in person, but never received a response.

Taking matters into her own hands, she met with a retraining specialist and explored her desire to get her Bachelor's Degree in Psychology from the Northern Illinois University. The purpose of the degree was to educate her and thus, allow her to become employed at a reasonable wage.

Based in part on testimony provided by the retraining specialist and our client's earlier transcripts from Joliet Junior College showing she already had 55 semester credits, the arbitrator agreed that she was, in fact, an excellent candidate for further education and ordered the full cost of her degree to be paid by the employer, the State of Illinois, including all books, tuition, mileage and incidental costs for NIU.

The arbitrator also ordered the state to continue to pay weekly maintenance benefits while our client is a full-time student, in addition to \$44,625.98 in medical bills.

Finding that the state had no reasonable basis to delay the payment of medical bills and TTD, the arbitrator also assessed penalties and fees in the amount of \$39,751.

Clearly this case should send a strong message to both employers and injured workers that denying the rights of the worker is costly to the employer, and that with experienced Workers' Compensation representation – attorneys who won't give up on an injured worker -- the legal process is one that can and does, help to make an injured worker whole.

This is not the first time we have secured penalties for the delay or denial of benefits, or the cost of a full college degree benefit for a client seeking retraining and job rehabilitation, and no doubt, it won't be our last.