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**COSTLY MISTAKE #3
of North Carolina Workers' Compensation Claims**

FAILURE TO FILE A FORM 18

In the State of North Carolina there are certain time limitations which govern when an injured employee can pursue a workers' compensation claim. In order to be clear, I am not speaking of notice to your employer of the accident as previously mentioned. These are two separate concepts. I am speaking to the actual pursuit of compensation pursuant to the North Carolina Workers' Compensation Act.

In order to help protect your right to compensation you need to file Form 18 with the Industrial Commission. If you fail to file a Form 18 immediately with the Industrial Commission then your claim may be barred after a period of time. The time or tolling of a workers' compensation claim may be different for different injured employees depending on the circumstances.

There is no definite statute of limitations as can be found in other areas of law. You may have heard that you have two years to pursue benefits in the State of North Carolina; while this may be true in most instances it is not true under all circumstances and it depends on the type of benefits which are being pursued such as either medical treatment or disability benefits.

The rule to remember is if you want to pursue workers' compensation benefits then file a Form 18. If a Form 18 has not been filed in a case where I have been retained, I file a Form 18 every time. The Form 18 lets the Industrial Commission and the employer know that the injured party is claiming workers' compensation benefits.