

5 Keys to a Successful Workers' Comp Claim

These 5 key points will assist you in getting the the maximum possible amount of benefits to which you are entitled.

The 1st Key: Report Your Injury to Your Employer

It is sometimes uncomfortable to go to your supervisor or employer and report that you got hurt at work, but it absolutely the first thing you must do, presuming you have not been taken for immediate medical care. Don't rely upon your co-workers or someone else to report your injury; you must do it. If you don't report your injury in a timely manner, it can be a basis for the workers' compensation carrier to deny your claim. When you report your injury, make sure you tell your employer about every body part affected by the injury. If possible, ask for a written incident report and ask for a copy of it.

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The 2nd Key: Report Your Work Injury to Every Medical Provider You See

Whether you seek immediate treatment for your work injury in an emergency room, or it is a few weeks or even a few months later, you must fully disclose how and when the injury occurred. One of the first things the workers' compensation company will do is review the medical records of each and every medical provider you see. If it is not indicted in all the medical provider's notes that you told him or her that the injury happened at work, the insurance carrier may attempt to deny your claim. Don't wait for the medical provider to ask you if the injury happened at work, and don't presume that the medial provider knows your injury happened at work. Tell every new medical provider that you see that you are there for treatment of a work injury.

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The 3rd Key: Follow Your Medical Provider's Instructions to the Letter

Your doctor, nurse or other medical provider may order diagnostic studies such as MRIs, EMGs, etc. It is very important that you get these tests performed if they are ordered. These tests are ordered so the medical provider is trying to determine the full extent of your injury, so that he or she can administer the proper medical care to help improve your condition. These tests are very helpful in proving your workers' compensation claim as well. The insurance adjuster may try to convince you that you only have a "sprain or strain" but an objective diagnostic test will show the true extent of your injury. If you don't go for those tests when directed by your medical provider, you may be stuck with the insurances adjuster's characterization of the

injury—even though the injury is actually far more serious. Your doctor may order therapy. If you don't attend the therapy, the insurance company will try to convince a workers comp judge that the injury is not serious, even if it really is.

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The 4th Key: Don't Relying Exclusively on Advice from Your Employer or the Insurance Company Adjuster

Your employer is in business to make money. Your employer makes money when you are a productive worker, and loses money when you are out of work due to a work injury. Many injured workers believe that a workers' compensation insurance carrier exists to look out for their best interest when they get hurt at work. But the insurance company is a private, for-profit business that makes money by getting insurance premiums from your employer, and loses money when it pays your medical bills and lost wages. Therefore, both your employer and its insurer have a big financial incentive to get you off of workers' compensation and back to work as soon as possible. Knowing that both of them have this incentive, do you really want to rely exclusively on what they tell you about your rights or what you are entitled to? Don't do it. Talk to a lawyer. It's free.

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The 5th Key: Get Answers to Your Questions from a Good Attorney

Workers' compensation is a highly complex area of law with many confusing procedures and forms. It is very unlikely you will be able to successfully handle your claim using "commonsense" or just relying on the "truth." Although these concepts are at the heart of any legal matter, you cannot rely on them. If you do, you will most likely fall into one of the many traps that await a person who does not know how to navigate the workers' comp system. There are many attorneys who advertise that they handle workers' compensation claims. There are a few important questions that can quickly eliminate firms from consideration, including, how many years experience in Workers Comp does the firm have? What about the costs and expenses of litigating a WC claim? You will almost always need to have your treating doctor's deposition submitted as evidence. Doctors usually charge several thousand per hour for a deposition. Does the firm cover the charges? Or are you going to be footing the bill?

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Call us not was 480-237-9756 for a free Consultation to discuss your Workers' Comp Claim.