

Injured Workers' Alliance

www.InjuredWorker.org

Workers' Compensation System Advice

This was compiled from the personal experiences of many. Certain patterns emerge in injury claims so utilize this advice. Although written for Oregon claims, much of it is prevalent elsewhere. The workers' compensation claim process is adversarial by nature and can be very difficult on workers and their families. This information does not constitute legal advice, and should not be construed as such.

- It's your right to file a workers' compensation claim and you should do so immediately after injury. Don't be coerced out of filing. What appears to be a minor injury could turn out to be substantial;
- You can choose your doctor. Avoid employer-chosen ones. If in an MCO, you may use your own doctor if he or she agree to the terms of the MCO contract and has been approved by the MCO;
- Keep a detailed log of everything that takes place in your injury claim. Claims can go on for years and vital information forgotten. A long-ago event can determine how well a claim resolves. Keep all related documents cataloged and keep them in a safe place;
- Read all mail. Missing a deadline or appointment can result in loss of workers' comp. benefits;
- Learn everything you can about how the workers' comp. system works in the state of injury;
- If your claim goes on for more than a month or you learn surgery is needed, consult an attorney who specializes in workers' comp. claims. Don't let the insurer talk you out of it. It's part of their job to try;
- If you think the insurer, medical provider or employer has done anything inappropriate — even if a time-loss check is late — contact the Ombudsman for Injured Workers (800-927-1271). Insist that details are placed in your file;
- If your time-loss check is late, it's possible your claim was closed without you being notified. Due to strict time limits for appeals, contact the Ombudsman (800-927-1271) so they can check;
- If unhappy with your doctor, you can choose another. You can change twice through the life of an injury claim (three total). After three, you'll need approval by the workers' compensation division.
- Never lose your temper with anyone in dealing with your claim. Also, be kind to family. Too many injured workers end up in divorce court because of the strain of the claims process and the injury itself;
- Be very careful what you say to an employer, insurer, etc. as it may be used against you no matter how meaningless or innocent your words were. Insurance company employees, such as claims adjusters, and their contractors are not your friend;
- If you have an attorney, do not communicate with an insurer or third-party claims processor. Refer them to your attorney;
- Stay diligent with your attorney but remain nice. Laws have restricted their compensation which means many are overworked.
- If ordered to attend an Independent Medical Examination, bring a witness. Write down in detail what happened soon after leaving. Visit www.InjuredWorker.org for advice on how to prepare for one and conduct yourself during an exam;
- Even the nicest employer can turn on you if your injury is moderate to severe. Act accordingly;
- If you return to work on light duty, never exceed the limitations prescribed by your doctor. Doing so (even if the employer ordered it) can mean closure of your injury claim and loss of all benefits;
- If your injury is permanent and future employment questionable, apply for Social Security disability benefits. The two systems are separate so you can receive benefits simultaneously. Many SSDI claims are initially denied and later approved on appeal so consider hiring an attorney specializing in that field;
- If you qualify for vocational retraining, do not use someone who works for the insurer or third-party claims processor or any person they recommend. Find one yourself or ask your attorney.
- Don't let the Oregon Workers Compensation System destroy you. It's happened to too many already.