



Lipsitz Green  
Scime Cambria LLP

FREQUENTLY ASKED QUESTIONS REGARDING

# Workers Compensation

## What happens if an employer controverts your claim?

You will receive a notice from the Workers' Compensation Board letting you know that your employer is not accepting your claim. You should contact an attorney as your employer or their insurance company will have attorneys working to deny your claim.

## What expenses are covered?

The cost of necessary medical services is paid by the employer or the employer's insurance carrier. The doctor may not collect a fee from the patient. When appropriate, claimants will be awarded reimbursement for automobile mileage to and from a health care provider's office.

## Are cash benefits covered?

Cash benefits are available for workers if the lost time is more than seven days. The benefits can be up to **2/3 of the workers' average weekly wage, up to the maximum rate**. Since 1992 the maximum benefit has been capped at \$400 per week. Under the new law, workers injured on or after July 1, 2007 are eligible for increasing rates as follows:

- Workers injured between July 1, 2007-June 30, 2008: **Maximum rate** - \$500
- Workers injured between July 1, 2008-June 30, 2009: **Maximum rate** - \$550
- Workers injured between July 1, 2009-June 30, 2010: **Maximum rate** - \$600

For workers injured on and after July 1, 2010 the **maximum** rate is 2/3 of the New York State average weekly wage, to be set by the Workers' Compensation Board, and that rate will be indexed to the NY State AWW every July 1.

- July 1, 2010: **Maximum rate** is \$739.83
- July 1, 2011: **Maximum rate** is \$772.96
- July 1, 2012: **Maximum rate** is \$792.07
- July 1, 2013: **Maximum rate** is \$803.21

## Are Social Security Benefits available?

A worker who suffers from a serious disability, which may last 12 months or more, may be entitled to monthly Social Security Disability benefits. For additional information about these Federal Disability Insurance Benefits, you can contact us at our office.

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## Do you have the right to sue anyone for your injuries?

Depending on the circumstances of your accident, you may have the right to sue "third parties". Third parties are companies or individuals, other than a co-worker or employer, who are legally responsible for the injury. Examples of third parties include:

- Owners and general contractors of property where construction work is being performed
- Operators or owners of motor vehicles involved in an accident
- Owners who fail to properly construct or maintain their property causing injury to workers who slip and fall or are otherwise injured while on the property
- Manufacturers of products that are defectively designed, defectively constructed or which do not contain proper warnings
- Maintenance companies which have not properly maintained machines or property;
- And countless others whose actions or failure to act cause injury to a worker.

## Are there deadlines to sue someone for your injuries?

There are specific time deadlines to bring legal action against third parties. Some are as short as 90 days. If you are injured, call an attorney immediately so all of your rights are protected.

## What can an attorney do for you?

An attorney will get you a hearing before the Workers' Compensation Board. At that time it is important for your doctor to provide a complete report detailing the history of the accident, your diagnosis, and a statement that your disability was caused by the accident. The attorney will present your case to a Judge at the Workers' Compensation Board and your attorney will fight to make sure you get all the benefits you are entitled to.

If you are represented by a firm with experienced Personal Injury attorneys, such as Lipsitz Green Scime Cambria LLP, your attorneys will be able to determine if you can sue anyone for your injury to recover all



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