

# **Your Guide to Workers' Compensation Claims in Pennsylvania**





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**When you are injured on the job, your life can change in many different ways. Knowing how to handle this situation and where to get the help that you need is essential for managing your claim properly. Your employer does not have your best interests in mind as you move forward with a workers' compensation claim.**

**It is certainly important to consult with your employer as soon as possible after you have been injured on the job because filing a timely claim and complying with your employer's procedures is important for setting your claim up for success.**

**There are certain situations, however, where you may need to engage with a Philadelphia workers' compensation attorney to protect your rights and increase the chances of having your claim approved to receive workers' compensation benefits.**





## **Your Guide to Workers' Compensation Claims in Pennsylvania**

**Understanding how the process works as well as what to do if you have been denied is critical for your success. As you will learn, the laws covering injured employees in Pennsylvania are extremely complex. This is why you need to consult with a Philadelphia workers' compensation attorney in order to protect your rights.**

**Did you know that tens of thousands of employees are hurt on the job in Pennsylvania every single year? While workers' compensation laws are in place to help injured employees and their family members during a difficult time as you recover from an injury, unfortunately, the system does not always work in the favor of victims. This workers' compensation system is often so complicated and convoluted that it feels as though the odds are stacked against you.**





## **Why Would I Need a Lawyer for a Workers' Comp Claim?**

**In many situations, the injured employee has challenges collecting the compensation he or she deserves. This is because the workers' compensation system in Pennsylvania puts the burden of proof on the injured employee. If you are not sure what you are doing, then you could wind up paying the price in a big way in the form of a denied claim.**

**If you have recently been injured on the job and you have questions about your rights and your ability to collect workers' compensation benefits in Pennsylvania, speaking with an attorney immediately is strongly recommended. Injured workers need to consult with a lawyer sooner rather than later.**

**It is strongly recommended that you seek out legal advice from an experienced attorney as soon as possible after you are injured on the job. While there are some situations in which your employer may be willing to work with you and help you through the process, you should not always count on being approved for benefits immediately. Having a Philadelphia workers' compensation attorney help you with this process can go a long way towards minimizing your fears and giving you confidence about your claim.**





## **Why Would I Need a Lawyer for a Workers' Comp Claim?**

**There are several different situations in which it is strongly recommended that you consult with an Attorney. These include:**

- The insurance company denies your initial claim for workers' compensation benefits.**
- The employer refuses to file an accident report associated with the incident.**
- You've already received workers' compensation benefits in Pennsylvania for longer than 4 months. At this stage, you may wish to explore a lump sum settlement.**
- The insurance company for workers' compensation has already offered you a lump sum of money to settle your future medical claims, and you want to have this offer evaluated.**
- Your work injury or the surgery associated with your work injury leads to a scar on your face, head, or neck.**
- You have received a letter that the insurance company is attempting to stop paying your claim or you notice that a petition to terminate, modify, or suspend your benefits has been initiated.**
- You return to work and are injured again or aggravate a pre-existing injury, and the insurance company refuses to reinstate your workers' compensation benefit.**



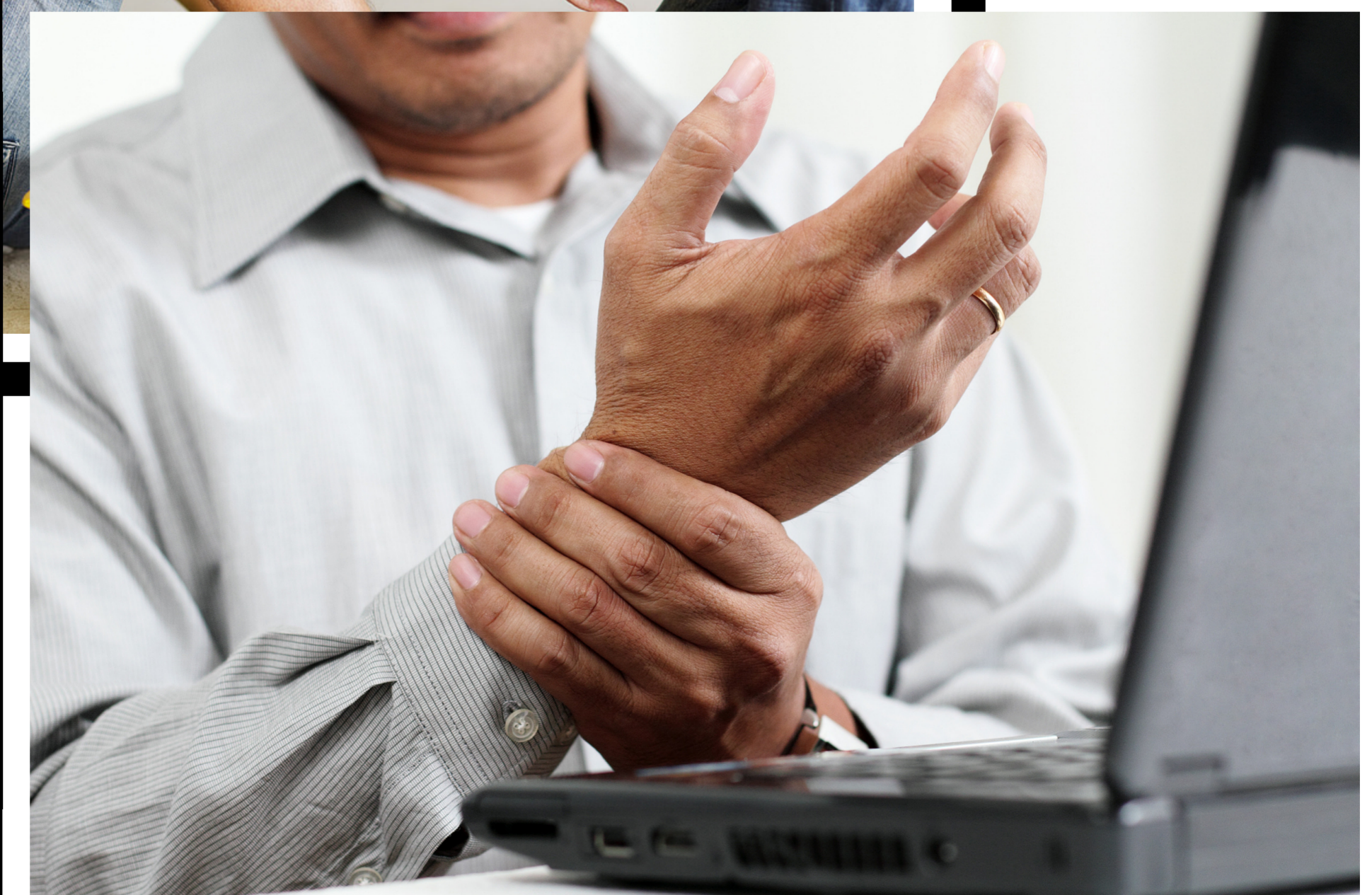


## **What You Need to Know About Eligibility for Workers' Compensation Benefits**

**You may be eligible for workers' compensation benefits in the state of Pennsylvania, if you;**

- Aggravate a pre-existing injury**
- Are hurt on the job**
- Develop any illness that is work related like carpal tunnel syndrome or mesothelioma**

**A general guideline for eligibility for workers' compensation benefits in the state of Pennsylvania is that you can claim these benefits even if you were at fault for the injury or negligent. The primary element of your claim has to include that the injury or illness occurred while you were furthering the business of your employer. This means that accidents that happen during breaks or while you are travelling to and from work typically do not fall under the umbrella of workers' compensation protection.**





## **Employee and Employer Responsibility**

**If you are injured on the job, how you handle the accident immediately after the incident occurs could make a big difference in whether or not you are granted benefits. If you become ill as a result of work related conditions or if you are injured on the job, you need to report the injury as soon as possible to your supervisor.**

**You have up to 120 days in order to advise the employer of a work related illness or injury. If you do not know immediately about the illness or injury, you have 120 days from the time of awareness of the injury or illness in order to notify your employer.**

**Employers also have responsibilities as it relates to Pennsylvania workers' compensation claims. The majority of employers in Pennsylvania are required to carry workers' compensation insurance for employees. This means that nearly all workers in the state of Pennsylvania are protected by workers' compensation and are eligible to receive these benefits if they are injured on the job.**





## **Basics of Workers' Compensation Claims**

**There are a few different types of claims that can be filed during the workers' compensation process. An injured worker can file a reinstatement petition or a claim petition against the employer or the employer's insurance company.**

**The employer's insurance company or the employer can also file petitions to terminate, suspend or modify benefits against the injured employee. The employer's insurance company or the injured employee may ask at some point during the process whether or not he or she would be eligible to receive a lump sum of money to settle any future compensation benefits.**





## Basics of Workers' Compensation Claims

Once you notify your employer of a work related injury within 120 days, you have up to three years from the date of that injury to file any kind of a claim petition. There are several different types of claim petitions, including scarring, specific loss, and loss of wages.

- **Scarring:** You may be eligible to receive benefits for a scar to the face, neck or head that was caused by an injury at work.
- **Specific loss:** You can also be paid for any specific losses to or the permanent loss of the use of your eye, leg, foot, forearm, arm, thumb, toes or fingers. Specific loss may also include work related hearing loss.
- **Loss of wages:** Most of the people in Pennsylvania will file a claim petition under loss of wages. You are eligible to receive workers' compensation benefits if a doctor puts you on medical leave from work for a period of longer than 7 days. You need to be off of work and under a doctor's care for a minimum of 14 consecutive days in order to receive benefits for the first seven days.





## Reinstatement Petition

**If your workers' compensation payments have been terminated or suspended, you have the eligibility to file a reinstatement petition if you have a recurrence of the original injury that leads to a lack of earning power. This usually needs to be filed within 500 weeks of the date of your last workers' compensation payment.**





## **Petitions to Modify, Suspend or Terminate Benefits**

**Your employer's insurance company may try to stop paying workers' compensation benefits on your behalf. They will do this by first sending you to a physician for an independent medical exam. If the doctor finds that you are fit to return to your original job or to a job with modified duties, the insurance company will likely file a petition to terminate, suspend or modify the benefits.**





## What Is Compromise and Release?

**Compromise and release is often referred to as a lump sum settlement in which the insurance company contacts you and asks to settle all future compensation benefits for one lump sum of money. You may also initiate this process by contacting the insurance company directly. Some injured employees prefer to settle the case directly for a lump sum of money rather than waiting to receive benefits over the long run.**





## **What Benefits Are Available with Workers' Compensation?**

**An injured employee in the state of Pennsylvania is eligible to receive several different kinds of benefits, including medical benefits, total disability payments, partial disability payments, payment for scars, payment for specific loss, lump sum settlements, and death benefits.**





## **What Is a Workers' Compensation Hearing?**

**The Workers' Compensation Act is the official law governing the procedures followed at a workers' compensation hearing. While this hearing may be less formal than a criminal or civil trial, there are still procedures that must be followed. Requests submitted for a hearing will typically include:**

- An employer filing a petition to terminate, modify or suspend compensation benefits against an injured employee.**
- An injured worker filing a claim petition against workers' compensation benefits.**





## **What Is a Workers' Compensation Hearing?**

**Once a judge has been assigned to the case, a hearing date is then set. All parties are notified of this date and a location of the hearing. During the hearing the judge will evaluate evidence presented by you, your employer and your attorney. Typically, more than one hearing is usually held. After evaluating all of the evidence, the workers' compensation judge will hand out a written decision. You may be eligible to appeal this decision.**

**As you can see, there are numerous different complicated aspects of filing a workers' compensation claim in the state of Pennsylvania. You may have numerous questions about how the process works and you may wish to hire an experienced Pennsylvania workers' compensation attorney so as to protect your rights.**

**Bear in mind that even though your employer does have workers' compensation insurance to cover you, he or she may not be as concerned about your rights and well-being as he or she is with the company's bottom line. This is why you need a Philadelphia workers' compensation attorney to protect you for the duration your claim.**

**Do not hesitate to reach out to an experienced attorney to learn more about the various aspects involved in filing a workers' compensation claim.**

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