

MYTHS OF WORKERS COMPENSATION PART 1

**MYTH: I PREVIOUSLY HURT THE SAME BODY PART
AT WORK SO THERE IS NO NEED TO FILE A NEW
CLAIM.**

TRUTH: ALWAYS FILE A NEW CLAIM

Under the New York State Workers' Compensation Law, an injured worker has two years to file a claim from the date of accident. Even if you injured the same body part, it is essential that a new case be filled.
EXAMPLE:

Joe or Jane Officer hurt their back on 4/27/00. The injury caused him to lose two months from work because of a back sprain. He then went back to work and worked without difficulties until July 22, 2003. On that day, he had a new accident that also caused a back injury. An MRI showed that he now had a herniated disc that required surgery. Joe did not want to have the surgery now because he could not get time off from work. Unfortunately, Joe did not know to file a new claim because he figured he hurt his back in the past so it must all be related to the old 2000 case. On October 5, 2005 Joe decided that his back was killing him and he needed to go for surgery. However, when Joe contacted the

Workers Comp Carrier he was advised that they had no record of an accident from 2003 and the surgery was being denied. When Joe contacted the carrier on the earlier case, he was told that surgery was denied because it was not related to the 2000 date of accident. Joe then contacts his private carrier who denies liability because it is the result of work related accident. Now Joe is stuck. The way to avoid this problem is to file a new claim when you have a new accident. Although the worker may think that the new injury is aggravation, of the prior condition the law may not see it that way. It is always better to file the second claim even if the injured worker thinks he aggravated the prior problem. Nobody wants to be in situation like Joe.

Another reason is that as the rates of compensation go up over the next few years an injured worker can receive higher benefits while out of work recovering from a new injury. With Joe, he was capped at 400 a week for his 2000 date of accident. However, if the injury occurs on October 5, 2007 he can collect up to 500 a week. If it occurred on October 5, 2008, he can collect up to 550 a week. If it occurs on October 5, 2009, he can earn up to 600 a week. Therefore, as you can see there is also a financial benefit to filing the new case.

**KNOW YOUR RIGHTS, STAY INFORMED! CONTACT US AT ANY OF OUR
OFFICES BELOW, OR AT 1-800-692-3717**



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