



STEPS TO TAKE IN A WORKERS' COMPENSATION CASE



AFTER ACCIDENT OR INJURY:

- 1 **NOTIFY** your employer as soon as possible.
 - the law gives you 30 days, but sooner is better
- 2 **CALL** the Accident Reporting System (ARS)
 - 1-888-800-0029
- 3 **FILE** a C-3 form with the Workers' Compensation Board.
 - you must also sign and file a C-3.3 form if you have a previous injury or medical treatment to the same part of your body you are claiming in your case.
- 4 **GO** to a workers' compensation doctor who will file a C-4 form with the Workers' Compensation Board and the insurance company.
 - get a copy of the C-4 form for your records.
- 5 **ASK** your Union steward or representative for information on Workers' Compensation and your contractual benefits.
 - PEF Health & Safety staff are also available to answer questions, and can send you a Workers' Compensation information packet. You may call them at 800-342-4306, ext. 254.

THE NEXT STEPS:

- 1 **YOUR EMPLOYER** should notify their insurance company. For New York State that is the New York State Insurance Fund (NYSIF).
- 2 **NYSIF** (the insurance company for New York State public employers) may accept your case and file a First Report of Injury (FROI) form number FROI-00, or contest your case and file a FROI-04 or SROI-04 form that notifies the Workers' Comp. Board (WCB) of NYSIF's specific reasons for controverting a claim, or it may wait until the case is indexed by the Workers' Compensation Board.
- 3 **THE WORKERS' COMPENSATION BOARD** will "assemble" a case when it receives your C-3 form or your employer's FROI-00 form, but it will not "index" your case until it also receives the C-4 form from the doctor.

IF THE CASE IS CONTESTED (CONTROVERTED):

- 1 **THE NYSIF** - If NYSIF determines the claim is questionable, they must file FROI-04 on or before the 18th day of disability, within 10 days after the employer learns of the alleged accident, or

within 25 days after notice of indexing by the WCB.

- 2 **THE WORKERS' COMPENSATION BOARD** will schedule a pre-hearing conference, which (if necessary) will be followed by a trial.
 - The Board will not schedule a pre-hearing conference unless it has both a C-3 form from you and a C-4 form from your doctor.
 - You will probably need legal representation if your case is contested. Contact a Workers Compensation Attorney for more information.

IF THE CASE IS ACCEPTED:

- 1 **PAYMENTS:** If you miss more than one week from work and you have medical reports stating that you are disabled, the insurance company should begin voluntary payments to you. Voluntary payments usually begin about four weeks after the accident.
 - you should file a workers' compensation claim even if you miss no time from work. Medical bills are payable even in "no lost time" cases and there may also be awards due for permanent injury.
 - the amount of the payments depends on your average weekly wage, your degree of disability, and the date of your accident.
 - as long as you are out of work you must see the doctor at least once every 4-6 weeks and the doctor must file C-4 forms.

NOTICES FROM THE WORKERS' COMPENSATION BOARD:

- 1 **ADMINISTRATIVE AND PROPOSED DECISIONS** – If you receive an administrative or a proposed decision, it will make legal findings in your case and will probably say that "no further action" is planned by the Board. You should have any administrative or proposed decision reviewed by your legal representative to make sure that they are correct and so that you do not lose out on additional benefits you are owed.
- 2 **NOTICE OF HEARING** – if a hearing is scheduled in your case, you should bring these with you:
 - your most recent medical report
 - your out-of-pocket expenses
 - proof of your earnings if you are working
 - proof of your job search if you are looking for work
 - a few paystubs from before your accident.
- 3 **NOTICE OF DECISION** – after each hearing the Board will send you a Notice of Decision showing the findings and money awards that were made.

PERMANENT INJURY:

- 1 **SCHEDULE LOSS OF USE:** If you hurt an arm, leg, hand, foot, finger or toe, if you have vision loss or hearing loss, or if you have a facial scar, you may be entitled to an award even if you did not miss any time from work. You will need to get a specific report from your doctor to get the award, and you will probably need legal representation.
- 2 **PERMANENT PARTIAL DISABILITY:** If you injured your neck, back or other body part that is not eligible for a schedule loss, and if you cannot return to the job you were doing before you got hurt, you may be permanently partially disabled and entitled to weekly benefits for a period of time.
- 3 **PERMANENT TOTAL DISABILITY:** If you cannot do any work of any kind, you may be permanently totally disabled and entitled to weekly payments for life.

SECTION 32 SETTLEMENTS:

- 1 **NYSIF** (The insurance company) may offer you a Section 32 settlement as a final payment to end your case.
 - Before agreeing to accept a Section 32 settlement you should discuss your case with your doctor and your legal representative.
 - You should consider the benefits that may be available in your case, whether you have a use for the settlement money (such as starting a business or going back to school), whether you are likely to go back to work, your other sources of income, and your need for future medical treatment.
 - A Section 32 settlement may have to be approved by Medicare and must be approved by the Workers' Compensation Board.

The PEF Occupational Health & Safety Department provides training and technical assistance on workplace health and safety concerns, and state and federal standards and regulations. Factsheets on a variety of topics and many other resources are also available. Contact us at 518-785-1900, ext. 254 or 800-342-4306, ext 254. e-mail - healthandsafety@pef.org

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