

TEN MISTAKES TO AVOID IN PURSUING YOUR WORK INJURY CLAIM

- I. ***SIGNING MEDICAL RELEASES WITHOUT READING THEM*** is a big mistake. Many insurance companies ask you to sign medical releases that allow them, or their agents, to communicate directly with your physician without you ever knowing about the conversation. Many times this can be cured by crossing through this language before sending it back to the insurance company. You do not want to appear uncooperative with their investigation of your claim.
- II. ***FAILING TO TELL THE TRUTH TO DOCTORS AND ADJUSTERS*** can cause multiple, unnecessary problems in your claim. Often injured workers are afraid to reveal past injuries, claims or similar information; however, in many instances, these facts are not lethal to a claim. What does become lethal to the claim is an outright lie, or lie by omission, that causes the judge to question the injured workers' ability to tell the truth.
- III. ***FAILING TO REPORT YOUR INJURY IN A TIMELY MANNER*** will almost always be used against the injured worker who thought he or she was being a good employee by not jeopardizing the company safety record, who thought their injury would resolve with a little time or who just did not want to "make waves" at the company. Immediately report injuries in writing, with as many witnesses as possible.
- IV. ***FAILING TO SPEAK WITH A LAWYER BEFORE GIVING A RECORDED STATEMENT*** can be costly. There are several legal terms of art that have special meaning, but which are also used in everyday conversation with slightly different meaning and interpretation. Most attorneys will speak with you, at least initially, free of charge.
- V. ***FAILING TO TELL THE DOCTORS ABOUT ALL INJURED BODY PARTS*** will almost always result in the insurance company only accepting responsibility for less than all of your injuries. Make sure both your primary and other injuries are noted in the doctor's records and on any Intake Questionnaire you fill out while waiting to see the physician.
- VI. ***FAILING TO TELL THE DOCTORS HOW YOUR INJURY OCCURRED*** causes needless problems in many claims. Most doctors are more interested in treating your injury successfully than learning all the details of how the injury occurred. While this focus is appreciated, it is also important, if injured on the job, to have some discussion of how the injury occurred in the physician notes.

- VII. ***FAILING TO REQUEST COPIES OF MEDICAL RECORDS, REHABILITATION RECORDS AND OTHER CLAIM CORRESPONDENCE*** from the insurance company, free of charge, to monitor your own treatment and claims handling can put injured workers at risk simply by being un-informed about what others players are saying and doing in the claim.
- VIII. ***FAILING TO REQUIRE THE REHABILITATION PROFESSIONAL ASSIGNED TO THE CLAIM OPERATE UNDER THE SPECIAL RULES*** designed to encourage their professional independence in your claim can be a costly mistake. The NC Industrial Commission has special rules that govern the behavior of these individuals, which should be thoroughly reviewed by anyone with a rehabilitation professional assigned to their claim.
- IX. ***FAILING TO FILE YOUR CLAIM WITH, AND UTILIZE THE RESOURCES OF, THE NC INDUSTRIAL COMMISSION*** early in the process can cause big problems. All claims must be filed with this agency as soon as possible, regardless of the fact you may have filled out some forms and reported your injury to your employer. In addition to the many forms and other resources available on the NCIC website, the NCIC Bulletin is required reading for anyone pursuing a workers' compensation claim in North Carolina.
- X. ***FAILING TO HAVE AN EXPERIENCED ATTORNEY REVIEW AND/OR COMMENT ON TERMS OF FINAL SETTLEMENT*** may cause you to resolve the claim for far less than true market value. In fact. Some cases should not be settled on final agreement at all. After the NC Industrial Commission has approved a final settlement agreement, it is very difficult, if not impossible in most cases, to set aside the agreement.

Print for glove compartment, and/ or for a friend!
Courtesy of Lennon & Camak, PLLC
Pub. 2010