

LEGALLY SPEAKING

Mauro, Savo, Camerino, Grant & Schalk
77 North Bridge Street
Somerville, New Jersey 08876
(908) 526-0707 (phone) 908 725-8483 (fax)
www.maurosavolaw.com

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Injured on the Job? Don't Wait To Pursue Your Claim

In this economy, employers expect more of their employees than at any time in recent memory. Unfortunately, because of these increased demands, workplace injuries are more common than ever. In this environment, it is critical that every worker know and understand their rights under the New Jersey's Workers' Compensation Law. Whatever your job description, you have important rights under the workers' compensation laws that Mauro, Savo, Camerino & Grant can help you preserve.

In New Jersey, workers' compensation matters are handled by special courts that hear only workers' compensation cases. The judges that work in these courts are specially trained in the unique issues that injured workers face. In many cases, the injured worker does not need to prove liability in a workers' compensation case (that their employer was at fault for the accident and their injuries). Rather, liability is assumed for these accidents and the court proceedings address treatment and monetary compensation.

If you've been hurt on the job, it's important to report that injury as soon as possible to your supervisor and to the person at your job who is responsible for processing workers' compensation claims. Even if your injury seems relatively minor, you should report it immediately. You have two years from the date of the accident or the last date that you receive treatment for the injury (whichever is later) to file a claim with the Division of Workers'

Compensation. After this two years has expired, it is difficult to get further treatment or recover monetary compensation for your injuries.

The New Jersey Workers' Compensation Law permits three benefits to injured workers: medical treatment, temporary disability benefits and permanent disability benefits. Employers are required to provide necessary and appropriate medical treatment for all injured workers until they have reached maximum medical improvement. Employers are further required to pay temporary disability benefits to injured workers, which consists of wage replacement for any time missed by the worker during treatment and recovery for the workplace injury. Employers are additionally required to provide injured workers with monetary compensation for the permanent effect of their workplace injury - the loss of function that may not return as a result of the incident.

There are many misconceptions about workers' compensation that prevent people from pursuing their right to compensation and preserving their right to further treatment under the law. **For instance, there is no benefit in waiting to pursue your claim.** It is worthwhile to see an attorney and file a claim in the immediate aftermath of the injury so that the whole spectrum of the rights you are allowed under the statute are preserved.

It is highly illegal for your employer to

retaliate or discriminate against you for filing a workers' compensation claim. The penalties for retaliation or discrimination are some of the strictest on the books, including monetary penalties against the employer, monetary compensation for the employee and restoration of employment for the employee.

You do not have to take money out of your pocket to pursue a workers' compensation claim. Attorneys are paid on a contingent basis only if you recover monies for your injuries. Attorney's fees are paid as a percentage of the award. This percentage is customarily 20% of the award, with the insurance company paying 60% of that amount. Since the worker is only responsible for 40% of the 20% attorney fee, only 8% of your award goes to your attorney. If you do not receive an award, you pay nothing for an attorney fee.

You do not need to work in a job that requires manual labor to file a claim. The law provides benefits to all workers, including workers who suffer common office injuries like carpal tunnel syndrome, neck and back pain, and significant workplace psychological stress.

Your injury does not necessarily need to have occurred in one incident. The law provides benefits to workers who have been exposed to occupational injuries and exposures that take years for symptoms to manifest. Common occupation injuries include repetitive orthopedic injuries like carpal tunnel syndrome or pulmonary injuries like exposure to asbestos or cleaning supplies.

You do not need to be currently employed at the place where you were injured to pursue your claim. Injured workers can file against any employer where they suffered an injury

regardless of their current employment status. Workers who have been fired, laid off or who have left their jobs voluntarily can still file claims against their former employers.

If you've been denied treatment by your employer's insurance company, this is not the last word on your claim. Workers' compensation attorneys can apply to the court for necessary treatment and temporary wage replacement under many circumstances. This application costs you nothing - attorneys are compensated by the insurance company for the time they spend advocating on your behalf.

Employers pay for workers' compensation insurance. They do not pay out-of-pocket to compensate you for the injuries you suffer. Though you file a claim against your employer, a workers' compensation action isn't an intense, adversarial process between the parties. Rather, it involves mostly negotiating for appropriate benefits from the insurance company, not "suing your boss" as you may have thought.

If you've been injured at work, you should seek legal counsel as soon as possible. Even if you are unsure if you have a good claim or if you qualify for benefits, you should still seek out a legal professional who can advise you of your rights. A free consultation at Mauro, Savo, Camerino, Grant & Schalk may save you a lot of trouble in the future. An hour with our experienced workers' compensation attorneys may save you years of uncompensated pain and suffering. Contact me today to schedule your free consultation.

-Christopher M. Corsini, Esq.
corsini@maurosavolaw.com

