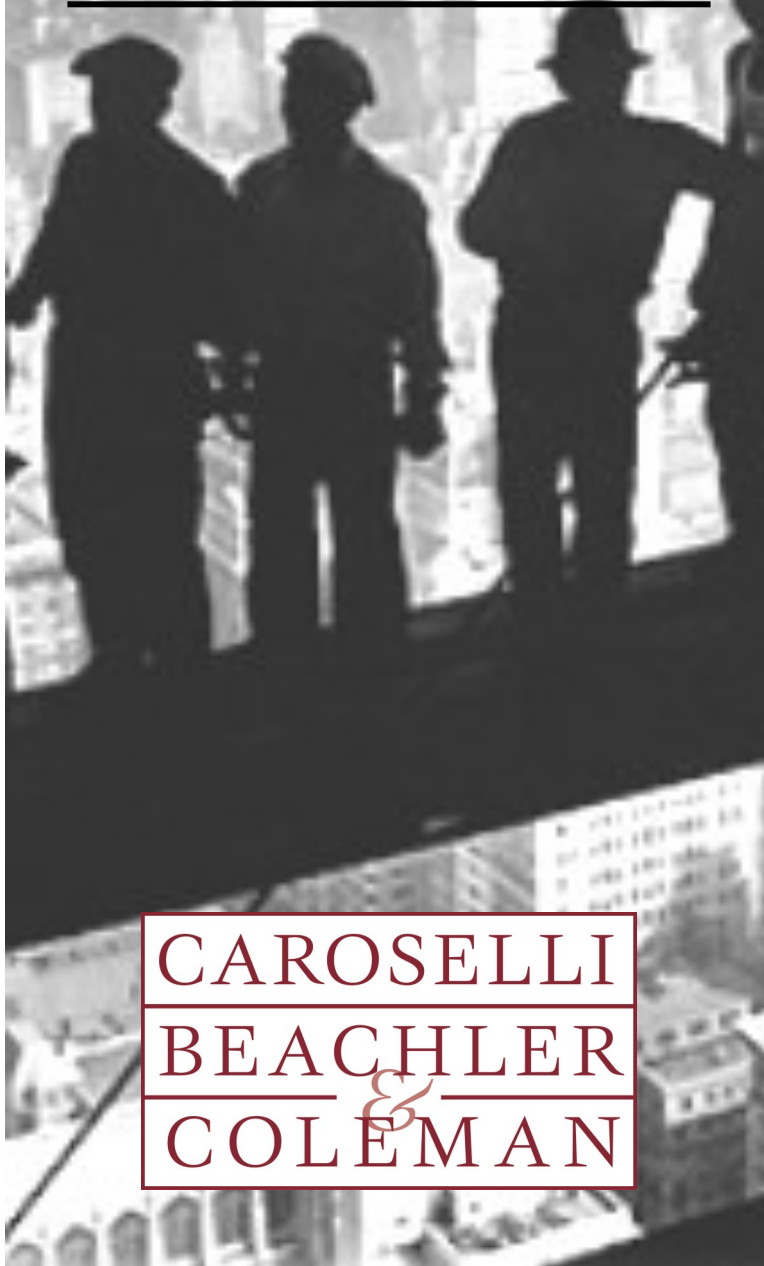


WORKERS' COMPENSATION

KNOW YOUR
RIGHTS



CAROSELLI
BEACHLER
&
COLEMAN

Since 1972, Caroselli Beachler & Coleman, has represented injured people and their families in accident, injury, and death claims, as well as a broad range of social security and employment issues. We serve all communities in Pennsylvania and offer local appointments when needed. Our practice areas include:

- **Asbestos Cancers**
- **Mesothelioma**
- **Workers' Compensation**
- **Auto & Motorcycle Accidents**
- **Defective Products**
- **Medical Malpractice**
- **Social Security Disability**
- **Insurance Bad Faith**
- **Oil and Gas Landowner**

We work on a contingent fee basis; in most cases, there is no fee for lawyers' services unless we recover on behalf of the client

***In some cases, however, certain expenses may apply.**

About Workers' Compensation

Injuries can occur to anyone at anytime, and when you're injured on the job, you need help with medical expenses and lost wages. You also face the possibility of not being able to return to your original job.

Pennsylvania's Workers' Compensation laws were enacted to protect you, the employee, by providing medical and wage loss benefits through your employer. It also provides for death benefits in cases of fatal injury. While accidents are the most common form of on-the-job injuries, you may also be entitled to benefits if you have a work-related disease or illness; if you have been exposed to a hazardous substance; if you have suffered a loss of hearing as a result of noise exposure at work; or, if you have other ailments, such as a repetitive motion disorder. Even preexisting conditions that are aggravated by your employment are covered under Workers' Compensation.

To be eligible for Workers' Compensation benefits, you must be able to show that your injury was related to your employment.

Although you may not need an attorney to help you collect your initial Workers' Compensation benefits, you may want to seek the advice of an experienced attorney regarding the benefits that are available to you and the length of time that you can receive them.

About Workers' Compensation Cont'd

You may need legal counsel if:

- You are not receiving benefits even though you were injured on the job
- You've received benefits for your injury that were discontinued for some reason and you need to have them reinstated
- You've been receiving benefits, but are faced with having them terminated, suspended or modified
- Your employer has approached you about resolving your claim
- You are interested in a lump sum settlement
- You have been asked to submit to an "Independent Medical Examination (IME)"
- You have been asked to submit to a "Vocational Interview"
- You have been asked to submit to an "Impairment Rating Exam (IRE)"
- You are on workers' compensation and are applying for other benefits such as pension, social security, or unemployment.

An Attorney who practices in the field of Workers' Compensation law has the skill and experience necessary to represent you in your Worker's Compensation claim.

412-391-9860 • Toll free / 1-800-222-8816

About Workers' Compensation Cont'd

If You're Injured At Work

If you are injured while at work, there are some important steps you should follow that could help you in collecting your Workers' Compensation benefits:

- As soon as you've been injured, you should notify your employer (preferably in writing), and explain how the accident occurred. If you do not notify your employer within 120 days of your accident, you will be denied benefits.
- If you are injured while on the job, you should seek medical attention immediately.
- If your employer provides you with a list of at least six medical providers, you must be treated by one of those providers for 90 days.

The Workers' Compensation insurance company must notify you in writing within 21 days whether they accept or deny your claim. If your claim is denied, you should consult an attorney to file a claim for benefits.

Q & A: Workers' Compensation

How do I know if I have a Worker's Compensation claim?

While you can file a Workers' Compensation claim for any injury you suffer while on the job, there are other factors that may qualify you for benefits. If you are engaged in any activity on behalf of your company- even if it is not at the place where you normally work- that may be considered to be on the job. You could be at a company party or picnic, or on your way to a seminar or trade show. If, for some reason, you are injured at your place of work, but not working at the time, you may still be covered.

Injuries that occur during business travel are usually covered, with the exception of your normal travel to and from work.

Illnesses that are caused by your job are covered, such as those caused by exposure to fumes or contaminants. However, getting sick while at work, such as with the flu, is not considered a work-related illness.

Is job-related hearing loss covered by Worker's Compensation?

Compensation benefits may be paid for partial hearing loss caused by long term exposure to excessive noise. If dangerous noise levels exist in your workplace, you should have your hearing tested to see if you are entitled to compensation.



What benefits are available to me under Workers' Compensation Insurance?

Workers' Compensation provides for medical benefits, which pays for your reasonable and necessary medical expenses; earnings loss benefits which pays you a percentage of your wages while you are unable to work; and death benefits, which pay a percentage of your wages to your family in the event of a fatal injury.

When can I begin to collect my benefits?

Medical benefits cover hospitals, doctors, nurses, chiropractors, therapists, medicines, and other medical expenses related to your injury. They are payable from the time your injury occurs, but for the first 90 days of treatment, you must use one of your employer's health care providers (if they are posted) in order to be covered. After the 90 days has passed, or if your employer has no such list of health care providers, you may treat with your own health care providers and still be covered.


Earnings loss benefits will not be paid to you for the first seven days following your injury, unless your disability lasts for more than 14 days. If you are totally disabled, except in special circumstances, you will receive benefits for not more than 104 weeks. If you are partially disabled, you can receive benefits for up to 500 weeks, regardless of when your injury occurred. Earnings loss benefits are computed based upon your "average weekly wage."

Q & A Continued

What is an “average weekly wage?” Under the Workers’ Compensation law, your “average weekly wage” can be calculated in a number of ways, but it is usually based on an average of your gross pay before deductions. Your earnings loss benefits generally will be two-thirds (66 2/3%) of your average weekly wage- up to the statewide limit.

How long can I collect Medical Benefits? Medical benefits are payable for as long as you are injured and receiving medical treatment. It is not related to your earnings loss benefit, and can continue after your disability payments end. However, if the Workers’ Compensation insurance company believes that your medical treatment was not necessary or that your bills were unreasonable, they can challenge the payment of those bills.

What do I do if the insurance company refuses to pay my medical bills? If the insurance company wishes to challenge your treatment, they must send them to a Utilization Review Organization (URO), who will then determine whether or not they are reasonable and necessary. If the URO determines that the bills are not reasonable or necessary, you will be notified of their findings. Once you are notified that your treatment is no longer reasonable or necessary, you will have 30 days to file a Petition for Review. If you do not file a Petition for Review within 30 days, the insurance company will no longer be responsible for the payment of those expenses.



How are death benefits paid?

Death benefits are paid when an employee dies from injuries received while on the job. The survivors receive a percentage of the employee's average weekly wage as a death benefit payment. Workers' Compensation also provides for up to \$3,000 in funeral expenses.

When can my Worker's Compensation benefits be stopped?

Under certain circumstances, your employer and their insurance company can stop paying your Worker's Compensation benefits. These include:

- When you have returned to work without losing any wages
- When you have signed a Supplemental Agreement for the suspension or termination of your benefits
- When an order of termination or suspension has been entered by a judge
- When you fail to report wages from employment or self-employment
- When you fail to complete and return a verification form
- When you have signed a Final Receipt

If your benefits have been stopped for any other reason, you should consult an attorney. In some cases, you may be able to file a Petition for Penalties, for which a judge can award you penalties, interest and legal fees if you can prove that there was a violation of the Worker's Compensation Act.



Do I need an attorney to file a Workers' Compensation claim?

Workers' Compensation claims that are paid immediately following an injury do not require a lawyer. However, if you are denied benefits or are asked to appear before a Workers' Compensation Judge, the advice and representation of an attorney who is experienced in this area of law can be quite valuable.

You may also need an attorney if your employer attempts to terminate, suspend, or modify your benefits; if you wish to have your benefits reinstated after they've been discontinued; or if you are seeking to settle your claim by way of lump sum payment. It is important that you do not sign papers that you don't fully understand without first showing them to an attorney.

What fees are involved in having an attorney represent me in my claim?

The law provides that these cases be handled on a contingency fee basis-with the fee being no more than 20% of the benefits your attorney obtains on your behalf. Any fee must first be approved.

About Social Media

Employer and insurance companies monitor social media, twitter, and internet postings of injured individuals. Internet sites such as Facebook and similar social media are frequently reviewed by the insurance company to locate information that can be used against you. If you participate in social media sites, do not, under any circumstances, write, post, email, or communicate anything about your claim. Do not discuss aspects of the injuries you have suffered or how they affect your daily activities.

The courts have ruled that information an injured individual posts on Facebook or other social media may be discovered by the insurance carrier or its investigators. We recommend individuals take every opportunity to protect their privacy and refrain from communicating on the internet or social media anything regarding their injuries, medical treatments, or any other detail about their case. Finally, be certain to advise your lawyer if you are communicating over the internet on an employer operated email platform or on an employer owned device. This use may eliminate the attorney/client privilege that would otherwise be protected as confidential.

Caroselli Beachler & Coleman, LLC
Practice Areas

Asbestos Cancers
Mesothelioma
Workers' Compensation
Auto & Motorcycle Accidents
Defective Products
Medical Malpractice
Social Security Disability
Insurance Bad Faith
Oil and Gas Landowner

For more information on:

Medical Malpractice
www.pittsburghmedicalmalpractice.com

Asbestos Diseases
www.asbestosdiseasesattorney.com

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