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Work Injury Checklist

As Soon as Possible After the Injury

- Seek medical treatment:
 - Tell the doctors that you were injured at work and how you were injured.
 - Inform the doctors of all your injuries. If you tell them about your shoulder injury but not your ankle injury, it will be harder to get the ankle covered later on.
 - Provide your doctors with the name of your employer and their workers' compensation insurance carrier. If your employer will not let you know the name of their carrier, this is a red flag that you should contact a workers' compensation lawyer.
- Report your injury to your employer as soon as possible, but no later than 30 days after the injury.
 - Some employers will lie and say you never told them you were injured at work, so make sure you have proof you reported your injury.
 - Keep a copy of any injury report and make sure it is countersigned by a supervisor
 - Sending an email to your employer reporting the injury since an email provides documentation that you reported the injury.

File a Claim With the WCB

- File a claim with the [Workers' Compensation Board \(WCB\)](#) by submitting an "[Employee Claim for Compensation](#)" (C-3) form to the WCB; this should be done as soon as possible, but must be filed within 2 years of your injury. An [online version of the C-3 form](#) is also available.
 - You should consider meeting with an attorney to review your C-3 form before it is filed.
 - Keep a copy of the C-3 form for your records
 - Question 5 on the C-3 form asks, "**Have you had another injury to the same body part, or a similar illness?**" If you fail to mention prior injuries, prior treatment, or any other prior problems you have had, carriers will often raise a claim of fraud. The Comp system is very unforgiving of fraud, and the law is very favorable when it comes to prior injuries of conditions. **Therefore, it is very important you list any prior injuries or similar conditions.**

You can file by mail, fax, or email.

- By mail to **Workers' Compensation Board, P.O. Box 5205, Binghamton, NY 13901**, or
- via fax to **1-877-533-0337**, or
- by email wcbclaimsfilings@wcb.ny.gov. You must include your **name and WCB Number in the subject line**. The Board only accepts the following file formats: TXT, .DAT, .JPG, .JPEG, .GIF, .PNG, .BMP, .DOC, .DOCX, .PPT, .PPTX, .RTF, .XLS, .XLSX, .TIF, .TIFF, .PDF, .VCF, .LNK

File Your Medical Reports with the WCB

- Before your case will move forward you must file a report with the WCB from a doctor or nurse practitioner which provides what is called prima facie medical evidence (PFME). For a report to provide PFME it must:
 - Provides a history of the work activities which led to your injury and describes how you were injured.
 - Gives a diagnosis of your injury or condition, specifying the injured body parts; and; and clearly states the medical providers opinion that your injury or condition was caused by work.
 - Make sure each of your work injuries/conditions is addressed in the medical reports.
 - If some of your injured body parts or conditions are not listed in the reports, those conditions might not be covered or accepted by the carrier.
 - If there is a significant delay before a body part or condition is mentioned in a medical report, carriers will argue that the delay is evidence that the body part/condition is not related to your work injury.
 - **Please note: The Workers' Compensation Board does not accept opinions from physician assistants** regarding whether your condition is work related unless countersigned by the supervising doctor.
 - Clearly states the medical providers opinion that your injury or condition was caused by work. Technically, a claim can move forward without an opinion from a doctor that your condition was caused by work.

What Happens Next?

- Once the Workers' Compensation Board receives a [C-3 form](#) and a medical report the Workers' Compensation Board will "index" your claim.
 - Once your claim is indexed, the carrier 25 days to accept or deny/"controvert" your claim.
- If your claim is accepted, the carrier might still dispute:
 - some of your injury sites
 - your average weekly wage and/or awards
 - authorization for medical treatment
 - other issues.
- If your claim is denied, the Board will schedule a hearing

Consult with An Attorney

- The Workers' Compensation litigation process is complicated and confusing. You should have an expert workers' compensation lawyer in your corner to fight for you and help you to navigate the Comp system.
- I try to meet with each potential client face to face. I spend almost an hour explaining the workers' compensation system to prospective clients. Even if you decide not to hire us, you will leave with a much better understanding of worker's compensation.
- There is no fee for a consultation, and you are under no commitment. So, there is no downside to meeting with an attorney do discuss your claim.
- Find an attorney that you can speak to face to face. Don't hire a law office that only lets you speak to a paralegal.