

An Employees' Guide to Workers' Compensation:

CONNECTICUT

This guide provides a brief legal overview of workers' compensation in the state of Connecticut. If you have filed or plan to make a claim for workers' compensation, you should contact a qualified attorney to represent you.

Workers' Compensation in Connecticut:

- **covers almost all employees**, including minors, non-citizens, and part-time employees, regardless of occupation, business size, duration of employment, or number of hours worked per day (*except for those working around a private home for not more than twenty-six hours per week*).
- **is a no-fault system of insurance** in which private insurers or self-insured employers pay benefits to an injured employee, even if the accident was the employee's fault or the employee was born with a medical condition which predisposed him or her to the injury or increased its severity.
- **is designed to help workers injured on the job or with an occupational disease** by providing all necessary medical treatment; weekly benefits while disabled; vocational rehabilitation, if necessary; and additional benefits for scarring, disfigurement, and permanent physical impairment.

Employees injured or ill due to a work-related accident or to working conditions are ONLY eligible for benefits under the Workers' Compensation Act and are prohibited from suing their employers for benefits, unless they can prove that their employers intended to cause them injury. (However, employees and/or employers may sue a third party, if they believe that another party or a product was responsible for an employee's injury or illness.)

If You are Injured on the Job:

Report your injury to your employer immediately.

Your employer should provide you with medical treatment and should file an "Employer's First Report of Occupational Injury or Illness" form with its workers' compensation insurance carrier and with the Workers' Compensation Commission.

Any delay in reporting your injury increases the chance that it may be disputed.

Get prompt medical attention.

Your employer should send you to the company medical facility, a walk-in clinic, a hospital, or a designated physician for your initial medical treatment, as soon as possible after you are injured. If your employer has a designated medical provider, you must accept such initial treatment.

(Your employer or your employer's workers' compensation insurance carrier may establish a medical care plan to provide medical treatment for workers' compensation claimants.)

File an official claim as soon as possible.

Filing this "written notice of claim" puts your claim on record. A 30C Form is best for this purpose and is available from any District Office or the Workers' Compensation Commission's Education Services.

In Connecticut, you have one year from the date of the injury to file a compensation claim for an accidental injury, or three years from the first manifestation of a symptom for an occupational disease.

If your employer wants to dispute your claim, you must receive official written notice of a denial (*describing the reason(s) for it*) or your employer must begin making workers' compensation payments "without prejudice"¹ within 28 calendar days.

Please Note: An official claim for workers' compensation benefits that you file is not the same as the "Employer's First Report of Occupational Injury or Illness" form that your employer must file.

To ensure that you have filed your claim in time, and to put your claim on record permanently to safeguard your eligibility for benefits, you must file an official claim *yourself* and not rely on your employer's accident report.

Contact your employer's workers' compensation insurance carrier, if you don't receive a benefit check within two weeks of becoming disabled.

To start payments the insurance carrier needs the "Employer's First Report of Occupational Injury or Illness" form and a wage statement from your employer, as well as a medical report from your physician confirming that your injury is work-related and that you are disabled by it. The insurer also needs to know your federal tax filing status and the number of exemptions shown on your federal tax return.

What to Do if Your Claim is Contested

¹ "without prejudice" means the employer reserves the right to dispute the claim even though payments may have been made.

If your employer disputes your claim, you will need to prove that your injury or disease is work-related by producing evidence at an Informal Hearing (*such as medical reports and statements by witnesses*) to back up your claim. If your claim is denied, you should request an Informal Hearing from the District Office for the town in which you were injured. It is in contested claims that a skilled and experienced workers' compensation attorney is most needed.

You can file for benefits under your group health insurance and/or disability program, if your claim is initially disputed. The group carrier must then provide whatever benefits your group policy offers, until the issue of compensability is resolved by a Commissioner at a Hearing.

How Legal Counsel Levels the Playing Field

An experienced attorney like Andrew O'Shea gives you the know-how and skill to navigate the process and negotiate with the insurance company to ensure that you get the benefits you deserve.

When dealing with workers' compensation insurance carriers and employers a Claimant should keep in mind that the insurance carrier is in the business of collecting premiums and minimizing their obligation to pay benefits. Insurers generally have a lot more experience at the claims process than do individuals claiming benefits, and are not under any obligation to advise injured workers of their rights. That is why the assistance of an experienced workers' compensation attorney may be very important to you.