

An Employee's Guide to Workers' Compensation:

PENNSYLVANIA

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

There are three phases of a Workers' Compensation claim: the initial injury phase, the receiving benefits phase, and the settlement phase.

PHASE 1: Initial Injury

Reporting a Workplace Injury

You must notify your supervisor of the injury as soon as possible. For most claims, this should be no later than 21 days after occurrence. In certain cases you may have up to 120 days from the time of the accident.

Receiving Treatment

Your employer has the right to direct your medical care for the first 90 days of treatment. If the doctor they choose tells your employer that you are able to return to work, but you do not agree and are still suffering from the injury, you are entitled to get another medical opinion.

Wages During Your Period of Disability

If you are not able to work due to a workplace injury, you are entitled to lost wages during your time of disability. The wages are based on a percentage of your prior earnings.

What Your Employer Must Do

Your employer must respond to your claim within 21 days of receiving notification of your work injury. Here are the three ways they can respond:

Accept: If they accept your claim and will pay it, they issue a "Notice of Compensation Payable."

Ask for More Time: If your employer wants more time to consider the claim before deciding if they will pay it or deny it, they issue a "Notice of Temporary Compensation Payable."

Deny: If they deny your claim, your employer will issue a "Notice of Compensation Denial."

If the employer denies your claim, you have up to three years to file a Claim Petition with the Bureau of Workers' Compensation. There are many strict requirements for filing this petition, and a qualified attorney can advise you best on how to proceed.

PHASE 2: While Receiving Benefits

Your employer and/or the insurance company may try to force you to return to work before you are capable. They may file a *Petition to Suspend, Modify, or Terminate* with the Bureau of Workers' Compensation which requests to stop or reduce your benefits. This is usually done after either a medical specialist paid by your employer or their workers' compensation carrier says that you can return to work. It is in their interest for you to return to work as soon as possible, to avoid paying out more for your claim.

If you feel you are not able to return to work, you will need to respond to the petition filed with a statement from a qualified medical provider whose opinion supports your assertion that you cannot return to work.

PHASE 3: Settlement

If you are receiving workers' compensation benefits for a long period of time and are still unable to return to work, the workers' compensation carrier may offer you a lump sum payment known as a Compromise and Release Agreement. In effect, they pay you one final check, a lump sum, if you agree to drop all claims against them. You should *never* give up your rights under the Pennsylvania Workers' Compensation Act without careful consideration and attorney review. Remember, the insurance company's goal is to save themselves money, not to pay you the full value of your claim.

To ensure that you are making the right decisions, it is in your best interest to work with a qualified attorney. The Law Offices of Andrew V. O'Shea will protect your rights and see that you get the most from your claim.