

Questions & Answers

Q How long do I have to be employed before I am covered for workers' compensation?

A You are eligible for workers' compensation from the moment you are hired. Every worker in the State of New Jersey is entitled to workers' compensation benefits regardless of the size of the employer or the length of time a worker has been employed.

Q Can I make a claim for permanent partial disability for a prior injury if I am now working for a different employer?

A Yes, so long as you have received authorized medical treatment or temporary disability within the last two years, you can file a claim for additional benefits. When in doubt, you should contact a workers' compensation lawyer.

Q Who is entitled to permanent partial disability?

A Permanent partial disability is compensation for any permanent loss of physical function. Anyone who has an injury, which is considered more than a "minor" strain, may be eligible. This claim must be pursued through the workers' compensation courts. The judge makes the final determination as to your entitlement even if you have already received a partial payment from your employer.

Q How much do I receive for temporary disability?

A Seventy percent of your customary wage up to a certain maximum rate which changes each year. (i.e. for a 2004 accident, the maximum rate is \$650). If you are a public employee, you may be entitled to full wages for a period up to one year. If you are a union employee, you may have additional wage benefits depending upon the terms of your collective bargaining agreement.

Q What expenses are covered under "medical treatment?"

A Virtually any medical charge that can be imagined including doctors' bills, hospital bills, diagnostic testing, medication, braces, physical therapy and other expenses which may fairly be termed a "medical" charge.

Q How is the permanency benefit determined?

A There is a schedule of benefits that is used by the Workers' Compensation Court where each body part has a specific value. The disability is expressed as a percentage of the body part depending upon how seriously you are injured and the effect the injury has had on your working ability and/or your social activities.

If you have any questions, or would like more information, please call our Workers' Compensation Department at 609-344-3161.

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WORKERS' COMP: THE BASIC FACTS

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Q What is workers' compensation?

A It is the payment of three separate benefits when work causes or worsens a medical condition.

1. **Temporary Disability** – payments while you are unable to work (wage replacement).
2. **Medical Treatment** – all medical charges necessary to treat your injury or illness.
3. **Permanent Partial Disability** – payments for loss of physical function which might affect you at work or in non-work activities.

Q What should I do if I am hurt at work?

A To best protect your rights, you should always report every injury to your supervisor immediately even if you do not think the injury is serious. If you receive medical treatment, you should make certain the doctor knows your injury happened at work. If your work injury represents an aggravation of a previous medical condition, this can be a valid workers' compensation claim.

Q When should I contact a workers' compensation lawyer?

A Any time you have a question concerning a workers' compensation claim, you should speak with an experienced workers' compensation lawyer. By law, you cannot be charged a consultation fee.

Q How much should a lawyer cost?

A Lawyers' fees are set by the Workers' Compensation Court only after the lawyer is successful in obtaining benefits for you. The fee cannot exceed 20% of your recovery. In most cases, most of the fee is paid by your employer. Usually 60% is paid by your employer and 40% is paid out of the final settlement.

Q Can I collect benefits even if the injury was my own fault?

A Yes. Workers' compensation benefits are payable without regard to fault. The only thing that matters is whether the medical condition was caused or worsened by employment. If the incident was the fault of someone else, you may have the right to also file a lawsuit in addition to receiving workers' compensation benefits.

Q Is chiropractic care covered?

A Chiropractic treatment is not considered treatment under the Workers' Compensation Act. However, the employer has the right to select the physician who treats you.

Q Are illnesses such as lung conditions covered?

A Yes. If the working conditions contribute to, cause, or aggravate an illness, benefits may be payable.

Q Are heart attacks covered?

A Yes. If it is determined that your work effort was a significant contributing factor to your heart attack, compensation benefits may be payable.

Q Is there any time limitation to when a claim must be filed?

A A claim must be filed within 2 years from the date of the accident, last date of authorized medical treatment or last date of compensation paid to you, whichever date is later.

DISABILITY VALUES FOR SELECTED 2004 INJURIES

Injury	Rating	Value
Back	5 %	\$ 5,190.00
	20 %	\$ 22,362.00
	50 %	\$ 129,900.00
Lung	5 %	\$ 5,190.00
Neck	5 %	\$ 5,190.00
	20 %	\$ 10,899.00
	50 %	\$ 31,669.00
Knee	5 %	\$ 2,724.00
	20 %	\$ 10,899.00
	50 %	\$ 31,669.00
Hand	5 %	\$ 2,119.00
	20 %	\$ 8,477.00
	50 %	\$ 22,924.00

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