

Disability News

**Your One Stop For Injury and Disability News
(and some fun stuff, too!)**

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In This Issue

Healthy Competition	1
Refer Your Family and Friends	1
Battle of the Ages	2
April Fools' Day Trivia	2
Follow Us On Facebook and Twitter	2
Who Is Covered Under the NY Workers' Comp Law?	3
Meet the Teams	3
Special Days <i>NEXT</i> month	3
Ask the Attorney	4

Healthy Competition

"Far better it is to dare mighty things, to win glorious triumphs even though checkered by failure, than to rank with those poor spirits who neither enjoy nor suffer much because they live in the gray twilight that knows neither victory nor defeat" – Theodore Roosevelt

As parents of four teenagers (well a 'tween' and three teenagers!) my wife and I have had the experience of dealing with the world of political correctness, and in many cases, correctness gone wild when on the subject of competition. I am definitely one for not hurting feelings and for helping people out – I've dedicated my livelihood to the very notion of helping others. However, sometimes in the name of doing things right for everyone we lose site of the reality that the world can be an unfair place.

What exactly do we teach our children when everyone wins every time – when we force 'gray twilight' onto every situation our children are involved in? Teaching our children to strive to do their best in order to compete in the 'world' and thrive is a true gift. We need to be able to teach

our children about competition and that while losing often 'hurts'- it happens- and what you do with that experience is what counts. It is far better to learn to lose and strive to achieve next time than to just muddle along.

My son recently made the Varsity Lacrosse team as a sophomore (proud Dad plug!). While he will get some serious playing time, there have already been many times where he has not played. Not because he isn't going to try – but because the coach needs to rely on the more experienced player in a certain situation while my son grows and learns to one day be in that position. Healthy competition!

And this idea extends to our entire life time. Inside you will see an example of healthy competition – and some would say belly laughing fun – where we pitted two attorneys against each other on the hardwood racquetball court! It's about competing to be the best and to improve yourself – whether competing against another or against yourself –always ask yourself if your competition been healthy! To your success.

Refer Your Family and Friends

If you know of others who might benefit from our services, please pass along their names and we'll get some information out to them immediately.



You asked for information— we got it!

Check out the disability specialists at

www.markhofflaw.com

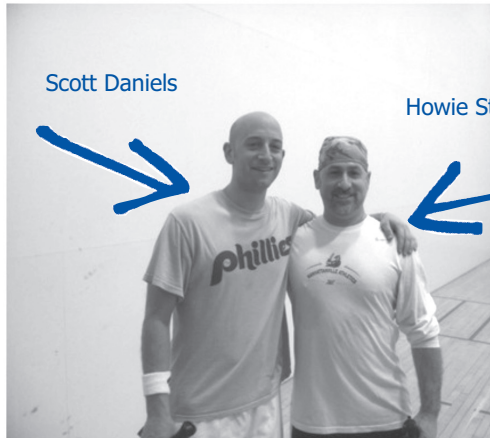


Battle of the Ages

Monday March 19th – A day of battle!

Negligence attorney Howard Stolzenberg, put down his brief case, took off his tie, put on his goggles and gum soled shoes to face Scott Daniels, Disability Attorney par excellence. These two legal minds met on the racquetball hardwood --- a challenge, a competition, a battle to see who could prevail. Scott's youth and stamina – versus Howard's experience and skill. How could two skilled attorneys ever compete on the court (and not in Court!)?

Experience definitely won out over age in this epic battle. Like marshalling his opening and closing arguments, Stolzenberg left Daniels in the dust – blanking him 15-0. But Daniels has learned that this defeat was only a learning experience and has challenged Stolzenberg to a rematch...



Left: Scott Daniels
Right: Howie Stolzenberg

Stay tuned.....

April Fools' Day Trivia

1. What animal/object is most associated with April Fools' Day?
(a) wild horse (b) fancy mask (c) bunny (d) egg basket (e) fish
2. The first reference of April Fools' Day (in literature) dates back to
(a) 1392 (b) 1492 (c) 1592 (d) 1692

Answers

1. (e) fish	5. (d) Dishwasher
2. (a) 1392	6. (c) General Hospital
3. (a) France	7. (a) Marvin Gaye
4. (b) 1938	

3. The tradition of playing tricks on April Fools' originated in which country?
a) France (b) Sri Lanka (c) Belize (d) Uganda
4. The Baseball Hall of Fame in Cooperstown, NY opened o April Fools' Day in which year?
(a) 1923 (b) 1938 (c) 1950 (d) 1961
5. Which of these convenience items was first offered for sale on April Fools' Day in 1889?
(a) Flushable Toilet (b) Hearing Aid (c) Typewriter (d) Dishwasher
6. Which daytime soap opera debuted on April Fools' Day in 1963:
(a) Days of our Lives (b) As the World Turns (c) General Hospital (d) All My Children
7. Which entertainer passed away on April Fools' Day in 1984?
(a) Marvin Gaye (b) Red Skeleton (c) Redd Fox (d) Redd Buttons

I ♥ APRIL Fools!

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Who Is Covered Under the New York Workers' Comp Law?

If you have been injured on the job, you may be confused about whether or not you are eligible for New York's Workers' Compensation. According to the New York State Workers' Compensation Board, most workers who provide services to a for-profit business will be considered an employee of that business and must be covered by the employer for workers' compensation insurance.

Employees usually include day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers and most subcontractors. There are many criteria that are evaluated to determine if an individual was an employee at the time of the injury. These factors are listed on the New York State Workers' Compensation Board's website and include:



- **Right to Control** – This factor refers to the employer's direction and control of a person who is contracted to perform a task. The right to control establishes the employer-employee relationship.
- **Character of Work is the Same as Employer** – If work being done is consistent with the employer's type of business, then the individual performing the task is most likely an employee. For example, an individual who installs tile for a flooring company is generally considered an employee of that business.



• **Payment Method** – Employees are typically paid by the hour, day, week or month. If a business pays cash to a worker, it is an indication that the worker is an employee. When a payment is made for the entire task performed, the worker may be considered an independent contractor and may not be eligible for workers' compensation coverage.

• **Furnishing Equipment/Material** – An employee-employer relationship can be determined based on whether the employer provides the materials or the worker.

• **Right to Hire or Fire** – An employer who retains the authority to hire or fire an individual signifies an employee is performing the work. An independent contractor retains some degree of control regarding how the work is completed and is therefore not considered an employee.

When determining if a worker is an employee, all of the above criteria are considered. Most non-profit employees are also covered under New York Workers' Compensation and the same factors are used to determine the status of employment. A workers' compensation law judge is the one who determines if an individual is considered to be an employee of an organization, during a hearing that follows a work-related injury or illness. There are some exceptions, which should be discussed with a New York Workers' Compensation attorney. Contact us for a FREE consultation if you have any questions about your particular situation.



Meet the "Teams"

Literally – Meet the Teams. Its been a while since I've written about my own ice hockey but the recovery from knee surgery took longer than expected. However, I have been back on the ice during the last half of the season.

If you don't know, I play on two teams, the **Makers Marksmen** and **The NY Stars**. The Marksmen made it to the finals where

we lost to our nemesis The Rolling Rocks 4-2, where they won the series 2-1. However, as I write this column, the NY Stars are in first, in the playoffs and making a run for the finals in Toronto – we last won it all in the 2008-9 season, taking home the Hockey North America Trophy! Stay tuned! (Healthy competition!)



Good Luck, Brian and the NY Stars!

Special Days in May

- May Day May 1
- Loyalty Day May 1
- Brothers and Sisters Day May 2
- Lumpy Rug Day May 3
- International Tuba Day May 4
- Cinco de Mayo May 5
- National Hoagie Day May 5
- Oyster Day May 5
- Iris Day May 8
- No Socks Day May 8
- V-E Day May 8
- National Receptionist Day May 9
- Clean Up Your Room Day May 10
- Eat What You Want Day May 11
- Military Spouses Day May 11
- Fatigue Syndrome Day May 12
- Limerick Day May 12
- Frog Jumping Day May 13



- Mother's Day May 13
- Dance Like a Chicken Day ... May 14
- Police Officer's Memorial Day May 15
- Love a Tree Day May 16
- National Sea Monkey Day ... May 16
- Wear Purple for Peace Day May 16
- Pack Rat Day May 17
- Pick Strawberries Day May 20
- Lucky Penny Day May 23
- Tap Dance Day May 25
- Memorial Day May 28
- Save Your Hearing Day May 31

And, May is.....

- Date Your Mate Month
- Foster Care Month
- National Barbecue Month
- National Bike Month
- National Hamburger Month
- National Recommitment Month
- National Salad Month
- Older Americans Month

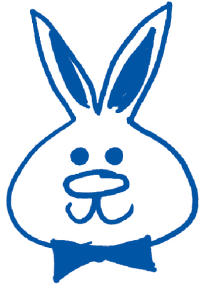


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Brian M. Mittman,
Attorney at Law

Ask the Attorney

Question: What Is the First Thing You Should Do When You Get Injured on the Job?

Answer: If you are hurt on the job, there are two things you must do immediately:

1. **Notify Your Employer** — Your immediate supervisor or higher would be best. This can be done orally but in writing is even better.
2. **Seek Medical Treatment** — Go to the hospital, go to the on-site doctor, go to your doctor but seek medical care as soon as possible.

You asked for information— we got it!

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