

# THE NEW YORK WORKERS' COMPENSATION LEGAL JOURNEY



**1**

## Initial Stage

This is the beginning stage of an injured worker's claim. When injured the worker needs to:



Seek medical care.



Notify your employer within 30 days if not immediately.



File an employee notice of claim (C-3 form) with the NY Workers' Compensation Board (WCB).

**2**

## Active Stage

This is the actual journey, with the end goal returning to work if possible and receiving a settlement for your claim (see the "Resolution" section for types of settlement).

### Out-of-Work



You are entitled to receive up to 2/3rds of your average weekly wage up to a certain maximum weekly payment.



See a doctor regularly (every 45-90 days is suggested) who confirms you are disabled from work.



Your weekly payments can go up and down based on the medical evidence.



The insurance company will have you examined by their Independent Medical Examiner (IME). That report can approve or disapprove treatment and change your payments.

### Return to Work



You can still get medical care, and then depending on the case we will eventually get you a money settlement. If doctor clears return to work, notify the attorney.



If you stop work again, go back to the rules for Out-of-Work.

### WCB Court Hearings



Throughout your time out of work, and when you return to work, the WCB manages your case by having hearings and issuing decisions based on evidence in the record. Some cases have two or three hearings, some cases have a dozen—it all depends.

**3**

## Resolution

How does my case end? There are multiple ways to 'settle' your case.



### Lump Sum Settlement:

You and the insurance company agree to completely settle your case for a fixed amount of money.

### Section 32 Indemnity:

You and the insurance agree to settle the indemnity portion, but medical portion will remain open.



### Scheduled Loss of Use:

If you have a permanent injury to an extremity you may get additional money for permanent injury.



### Stipulation:

The parties agree to resolve open issues and money issues based on an agreement (unlike the Lump Sum this is not always 'final').



You return to work and can reopen case in future in many cases.

*Honest Working People Helping Honest Working People.*

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