

# 2013 Injury Law Alert

Compliments of J. TIMOTHY ESPER & ASSOCIATES, P.C.

*Across the board, Michigan's Republican-controlled government is on a mission to limit remedies for injured individuals. They've rewritten Michigan's workers' comp law to better serve business and insurance interests at the expense of people hurt at work. Against these odds, more than ever, you need attorneys with the experience and expertise to get the benefits you deserve. Call us about any injury case.*

## THIRD PARTY LIABILITY/PERSONAL INJURY \_\_\_\_\_

Every serious construction accident may include a third party liability case. Our construction accident specialist, Jon Garrett, is one of Michigan's most experienced and successful attorneys in these complex cases. We have recovered millions of dollars for our clients injured through the negligence of general contractors, suppliers, other contractors or their employees, owners of premises, owners or operators of motor vehicles, manufacturers of dangerous products, and medical providers. Call the "Construction Injury Experts" to get all the benefits you deserve for any on the job injury or other injury case.

## WORKERS' COMPENSATION \_\_\_\_\_

Workers' comp was Michigan's original no-fault system. Employers owe wage loss and medical benefits no matter who was at fault, even yourself. Injuries, damage from repetitive work, overuse, cumulative trauma or other occupational exposures are covered including pre-existing conditions that get worse due to a work injury. Age-related conditions are covered if work activities or injuries contributed to the condition in a significant manner.

## **ALERT:** The New Workers' Comp Law \_\_\_\_\_

The new company-friendly workers' comp law reduces wage loss benefits based on what injured workers are allegedly still *capable of earning*. To give you the best chance to get fair compensation for work injuries, you need the "Construction Injury Experts" on your side. *Call for a free consultation.*

## What To Do If You Get Hurt at Work \_\_\_\_\_

Promptly report all work injuries to your foreman or boss--delays often lead to lengthy workers' comp disputes. Have your steward record the injury. Get names of witnesses.

Use a cell phone to take pictures of whatever caused the injury. Get the medical care you need. Employers can now select your medical providers for the first 28 days. To make sure you protect your legal rights and to get the benefits you deserve, *call us for free advice* on what to do when you get hurt at work.

## Wage Loss/Light Duty

### Work/Specific Loss \_\_\_\_\_

If an injury keeps you off work for more than 7 days, weekly benefits start on the 8<sup>th</sup> day, or from day one if you're off for 2 weeks or longer. If you return to light duty work that pays less than your average wages when you got hurt, the company owes partial weekly benefits. If you refuse light duty work or to look for work within your restrictions, your comp benefits can be suspended. Benefits can be reduced by *phantom wages* you are allegedly *capable of earning*. Specific loss benefits are owed for loss of a finger, toe, hand, arm, foot, leg or eye. If you die from a work injury or disease, your dependents are eligible for up to 500 weeks of benefits or until your children reach age 18, and a \$6,000 burial allowance. *Call us for free advice.*

- Workers' Compensation
- Social Security Disability
- Third Party Liability Cases
- Personal Injury
- VA Disability Benefits
- Auto Negligence
- Bankruptcy
- Drunk Driving
- Unemployment
- Wrongful Discharge
- Criminal Matters
- Divorce/Family Law

CONSTRUCTION INJURY EXPERTS

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**Keep a Logbook/Save Your Check Stubs \_\_\_\_\_**

Comp carriers often under calculate wages and benefit rates, especially in the construction industry where workers change jobs frequently. To make sure they pay what they owe, *save your check stubs*. Use your *logbook* to record all hours worked, to list employers and details of your jobs, and to document injuries and medical treatment. Your completed logbook and check stubs are important evidence we can use to make sure you get the benefits you deserve.

**Medical Benefits/Nursing Care/Case Managers \_\_\_\_\_**

Workers' comp covers reasonable and necessary medical treatment for a work injury with no co-pays or deductibles. The company can direct where you treat for the first 28 days. Nursing and attendant care ordered by your doctor may be covered. A nurse case manager assigned to your claim by a comp carrier must act in *your* best interest. Tell nurse case managers not to speak with your doctors without including you. Call us to contest a denial of medical benefits and to help get your own health care insurance provider to pay for treatment while your comp dispute is being resolved.

**Vocational Assessment /Rehabilitation \_\_\_\_\_**

Voc Rehab benefits may include up to 2 years of retraining if you can't return to work in your trade. The new law requires you to submit to a vocational evaluation with a company-chosen expert. These exams are used to reduce your benefits based on what their expert says you are capable of earning. *To protect your rights, call us right away if you get notice to attend a vocational assessment or medical exam.*

**SOCIAL SECURITY DISABILITY/PENSION ISSUES \_\_\_\_\_**

For disabilities that will last a full year, SSD benefits can begin as early as the sixth month after you become disabled. It's easier to qualify for SSD once you reach age 50, easier yet at age 55 and 60. For work-related conditions, you can collect both workers' comp and SSD benefits.

Pension, social security and LTD benefits can reduce workers' comp and no fault benefits. Different offset rules apply for comp and no fault cases. To avoid losing benefits, if you're injured at work or in an auto accident, *call us before* you apply for any pension or social security benefits.

**AUTO ACCIDENTS/NO-FAULT \_\_\_\_\_**

We handle injury cases from auto accidents including claims against your own no-fault carrier and lawsuits against other responsible parties. No fault benefits include up to 85% of wage loss and \$20/day replacement services for three years, and lifetime medical expenses (pending Republican-led legislative changes). You can sue other drivers for permanent disfigurement or a serious bodily impairment. For on-the-job auto accidents, you can receive *both* workers' comp and no-fault benefits.

**VA DISABILITY BENEFITS \_\_\_\_\_**

You may qualify for disability benefits through the VA for a service connected injury or impairment. *Call us to establish your disability rating and get your benefits paid.*

**DIVORCE/FAMILY LAW; BANKRUPTCY; CRIMINAL/DRUNK DRIVING; EMPLOYMENT DISCRIMINATION \_\_\_\_\_**

Our associates can assist you with these types of cases. *Ask about discounted fees on these cases for construction trades members.*



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O F - C O U N S E L

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**No Attorney Fees Charged in Injury Cases Unless We Obtain Benefits for You**