

# 2014 INJURY LAW UPDATE

COMPLIMENTS OF J. TIMOTHY ESPER & ASSOCIATES, P.C.

**Had enough?** How'd you like having "Right to Work" jammed down our throats? In 2014, it's time to Put up or Shut up! Michigan's working families must take back at least part of our State government. Our Republican-run House, Senate, Governor's office and Supreme Court have stomped on the hard-working people of Michigan, closed court house doors, and cut benefits and damages for anyone struggling with injuries and disability. Don't go down without a fight! When you're hurt, at work or anywhere else, hire attorneys with the experience and expertise to get the benefits you deserve. We've built a legal team of seasoned professionals to make sure we pursue every avenue to maximize your recovery for any injury case. On Election Day 2014, vote out the right wing gang in Lansing whose agenda has enriched their business and insurance supporters while destroying Michigan's middle class. **Stand up and fight!**

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

Every serious construction accident could include a valuable third party liability case. Our construction accident specialist, Jon Garrett, is among 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 construction managers, premises owners, suppliers, subcontractors or their employees, negligent drivers, manufacturers of dangerous products, and medical providers. Call the *Construction Injury Experts* to get the benefits and damages you deserve for any on the job injury or other injury case.

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

Michigan's workers' comp law was written in 1912 to provide wage loss benefits and medical care for injured workers. The right wing extremists now running state government have gutted the comp law, imposing crushing costs and reduced benefits on those injured at work. Fight back! To beat the Lansing cardsharps who are dealing from a stacked deck in their rigged workers' comp game, hire our experienced legal team to fight for you! The law still requires payment of wage loss and medical benefits no matter who is at fault, even yourself. Injuries from single events or from repetitive work, overuse, cumulative trauma or toxic exposures are still covered including pre-existing conditions that get worse due to a work injury. We fight and win for our clients!

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

The new business-friendly comp law reduces wage loss benefits based on companies' hired expert testimony on what injured workers are still *capable of earning*. To win, we fight back with our own experts. For the best chance to get fair compensation for any work injury, get the *Construction Injury Experts* on your side. **Call us for a free consultation.**

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

Report all injuries on the day they happen. Putting it off, even for one day, can turn your injury into a disputed case and long delays in payment of any benefits. Use your cell phone to take a picture of whatever caused your injury. Get the medical care you need. Employers can now select your medical providers for the first 28 days.

**Call us for free advice** as soon as possible for 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 1 if you're off for 2 weeks or longer. If you return to light duty work that pays less than you were making when you got hurt, the company owes you partial weekly benefits. Your employer owes specific loss benefits for loss of a finger, toe, hand, arm, foot, leg or eye. If you die from a work injury or disease, your dependents may collect up to 500 weeks of wage loss benefits or until dependents reach age 18, and a \$6,000 burial allowance. If you refuse light duty work or fail to look for work within your restrictions, your comp benefits can be suspended. Benefits can be reduced by *phantom wages* that a company-hired expert says you're *capable of earning*. **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

**NO ATTORNEY FEES CHARGED IN INJURY CASES UNLESS WE OBTAIN BENEFITS FOR YOU**

CONSTRUCTION INJURY EXPERTS

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DETROIT, MICHIGAN 48226

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

Comp carriers often underpay the benefits they owe, especially for construction building trades workers who change jobs frequently. To ensure you get what they owe you, *save your check stubs and use your logbook*. Record all hours worked, list employers and details of your jobs, document injuries and medical treatment. Your completed logbook and check stubs are important evidence to make sure you get the benefits you deserve.

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

Workers' comp covers reasonable and necessary medical care for work injuries--no co-pays, no deductibles. Your employer can now tell you where to treat for the first 28 days. Nursing/attendant care ordered by your doctor may be covered. A nurse case manager sent by the comp carrier must act in *your* best interest. We'll contest a denial of medical benefits and help get your health insurer to pay for treatment while we fight for your comp benefits.

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

The comp law provides for up to 2 years of voc rehab benefits including education or retraining with the rehab provider of your choice. Instead of offering voc rehab, most employers, relying on recent changes in the law, now require you to submit to a *wage earning capacity* evaluation to their vocational expert. The expert's report is then used to reduce your benefits based on what they say you're *capable* of earning, even if you can't find a job paying such wages. ***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 auto no fault benefits. Different offset rules apply for comp and auto 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/UNEMPLOYMENT \_\_\_\_\_**

Our newest associate, John Tomasik, handles auto injury cases, including claims against your own no-fault carrier and lawsuits against other responsible parties. No fault benefits include up to 85% of gross pay and \$20/day for replacement services for up to three years, and (at the time of this writing) lifetime medical expenses. We will sue other drivers for injuries that result in permanent disfigurement or serious impairment. For on-the-job motor vehicle accidents, you can receive *both* workers' comp and no-fault benefits. John also handles disputed unemployment cases.

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

You may qualify for disability benefits through the VA for a service connected injury or impairment. Our associate, Mark Aiello, will represent you to ***establish your disability rating and get your benefits paid.***

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

Our associate, Eric Frankie, can assist you with these cases.

*Ask about discounted fees on these cases for construction trades members.*



J. Timothy Esper



Mark A. Aiello



John W. Tomasik



Paul J. Palgut

O F - C O U N S E L



Jon R. Garrett



Eric I. Frankie

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