

# 2015 INJURY LAW UPDATE

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

For years, while state government has been under Republican control, the field of personal injury law has been tilted heavily in favor of business and insurance interests. Changes in injury law have been construed and implemented by a hyper-conservative MI Supreme Court. The consequence has been that the hard-working people of Michigan now face closed court house doors, and an uphill fight to get benefits for injuries and disability. 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. Don't take it lying down!

## THIRD PARTY LIABILITY/PERSONAL INJURY

Every serious construction accident could include a valuable third party liability case. Call us about any construction injury. Our construction accident experts, associates of the recently deceased Jon Garrett, will continue his legacy as 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

Since 1912, Michigan's workers' comp law was designed to provide wage loss benefits and medical care for injured workers. When disputes arose, the law was to be liberally construed in favor of injured workers. Republican extremists, with their recent stranglehold on state government, have gutted worker's comp, imposed crushing costs and reduced benefits, and tilted the law to favor their business and insurance friends. Fight back! To get the benefits you deserve, 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 covered including pre-existing conditions that get worse due to a work injury. We fight and win for our clients!

## What To Do If You Get Hurt at Work

**Report all injuries the same day they happen** to both your foreman and steward. While the law allows 90 days to report an injury, putting it off can turn your injury into a disputed case with long delays in getting any benefits. Use your cell phone to take a picture of whatever caused your injury. Get the medical care you need. Employers can direct your medical care for the first 28 days; after that you can see your own doctor. To get the benefits you deserve, **call us for free advice** right away 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 per week than you were making when you got hurt, the company owes partial weekly benefits. If you refuse light duty work or fail to look for work within your restrictions, your comp benefits can be suspended. 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 can get up to 500 weeks of wage loss benefits or until dependents reach age 18, and a \$6,000 burial allowance. Benefits can be reduced by *phantom wages* that a company-hired expert says you're *capable of earning*. **Call us for free advice** to get the benefits you deserve.



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- 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**

### **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 direct where to treat only 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. Call us for advice on how to deal with case managers. If your benefits are denied, we'll help get your health insurer to pay for treatment while we fight for your comp benefits.

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

Workers' comp law provides for up to 2 years of vocational rehab benefits including education or retraining with the rehab provider of your choice. Instead of offering voc rehab, most comp carriers now require you to submit to a *wage earning capacity* evaluation with 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** \_\_\_\_\_

If medical conditions leave you unable to do full time work for at least 1 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** \_\_\_\_\_

Our associates handle 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 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 some on-the-job vehicular injuries, you can receive *both* workers' comp and no-fault benefits. Call us to find out.

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

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

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

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

\_\_\_\_\_ **CONSTRUCTION INJURY EXPERTS** \_\_\_\_\_

**J. TIMOTHY ESPER & ASSOCIATES, P.C.**

\_\_\_\_\_ **ATTORNEYS & COUNSELORS** \_\_\_\_\_

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