

# 2016 INJURY LAW UPDATE

## Compliments of

J. TIMOTHY ESPER & ASSOCIATES, P.C.

Attorneys & Counselors

535 Griswold Street, Suite 1550 • Detroit, MI 48226

(313) 964-4900 • (800) 881-8896

Website: [www.esperlaw.com](http://www.esperlaw.com)

Construction Injury Experts



**SERVING THE BUILDING TRADES FOR 39 YEARS**

*The political party running our state government has rewritten injury law to favor their business and insurance friends, to the detriment of the hard working people of Michigan. Injured workers now face 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. Know your rights and hire the right team to fight for you!*

## WORKERS' COMPENSATION

Michigan's workers' comp law was designed to provide prompt payment of wage loss benefits and medical care for injured workers, and to be liberally construed in favor of injured workers. Republican extremists have used their stranglehold on state government **to gut the comp law, impose crushing costs, reduce benefits, and make it harder to get fair compensation for work injuries.** Despite their dirty dealing, 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. **To win the uphill battle to get fair compensation, you need our experienced team to fight and win for you.**



### WHAT TO DO IF YOU GET HURT AT WORK

#### **Report all injuries the same day they happen!**

Tell both your foreman and steward. While the law allows 90 days to report an injury, putting it off leads to disputes and 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.

### VOCATIONAL ASSESSMENT/REHABILITATION

Workers' comp law provides for up to 2 years of vocational rehabilitation benefits including education or retraining with the voc rehab provider of your choice. Instead of offering voc rehab, most comp carriers will send you to their vocational expert for a wage earning capacity evaluation. Then they use the expert's report to reduce your benefits based on "phantom wages" 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 a notice to attend a vocational assessment or medical exam.**

### WAGE LOSS/LIGHT DUTY WORK/SPECIFIC LOSS

If an injury keeps you off work for more than 7 calendar days, weekly benefits start on the 8th day; from day 1 if you're off for 2 weeks or longer. If your injury leaves you earning less than your average wages when you got hurt, you get partial comp 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.

**Call us for free advice to 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 or deductibles. Your employer can direct where you get treatment only for the first 28 days. Family members may be paid up to 8 hours/day for nursing/attendant care ordered by your doctor. Comp carriers often assign a nurse case manager to supervise your medical care. Even though a case manager's professional responsibility is to act in your best interest, their loyalty too often is to the comp carrier, not you. **Call us for free advice** on how to deal with case managers. If your comp claim is disputed, we'll help get your health insurer to pay for treatment while we fight for your comp benefits.

## Keep a Logbook / Save Your Check Stubs

Comp carriers often underpay the benefits they owe, especially for building trades workers who change jobs frequently. To ensure you get what you are owed, save your check stubs and use your logbook. Record all hours worked, list employers and details of your jobs, include names of foreman and union steward, and 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.

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

## CONSTRUCTION ACCIDENT/ THIRD PARTY LIABILITY CASES

Every construction accident could give rise to a valuable third party liability case. *Call us for free advice about any construction injury.* We have won millions of dollars for construction workers injured through the actions or failure to act by construction managers, general contractors, premises owners, suppliers, subcontractors or their employees, negligent drivers, manufacturers of dangerous products, and medical providers. Call the *Construction Injury Experts* to recover the damages you suffer from any on the job injury or other injury case.

## SOCIAL SECURITY DISABILITY (SSD)/PENSION ISSUES

If a medical condition or combination of conditions will leave you unable to do full time work for one 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 in comp and auto cases for disability and regular pensions, and for SSD and OASS (old age social security). 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 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 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.*

## UNEMPLOYMENT CASES; OTHER LEGAL MATTERS

We assist our clients with unemployment claims and will represent you at a hearing in unemployment appeals. For other legal matters, we will refer you to expert attorneys in the area of law you require.

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

Attorneys & Counselors

*535 Griswold Street, Suite 1550 • Detroit, MI 48226*

Construction Injury Experts

*Workers'  
Compensation*

*Social Security  
Disability*

*Third Party  
Liability  
Cases*

*Personal Injury*

*Auto  
Negligence*

*Construction  
Accident  
Liability Cases*

*Unemployment  
Cases*

*Free Initial  
Consultation*

*Validated Garage  
Parking*

*Saturday  
& Evening  
Appointments  
Available*

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