

FILING A WORKERS' COMPENSATION CLAIM IN GEORGIA

AN INSIDER'S GUIDE TO GETTING STARTED



S. Burke Law



Filing a Workers' Compensation Claim in Georgia An Insider's Guide to Getting Started

by Sheryl L. Burke

**Law Offices of Sheryl L. Burke
1230 Peachtree Rd N.E.
Suite 1900
Atlanta, GA 30309**

**Phone: 404-842-7838
Email: Sheryl@SherylBurke.com
www.SBurkeLaw.com**

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Preface

One of the most frustrating things for a hard-working individual to face is the prospect that their job—their livelihood and a source of pride—could also be the reason for their suffering. This is the reality for many Georgia workers who have faced serious on-the-job accidents, injuries or illness. Though Georgia state law has a system in place to address the financial needs of injured workers, it's no secret that Georgia Workers' Compensation is a complicated structure.

Navigating a Georgia Workers' Compensation claim is time-consuming, stressful and confusing; and that's for an "easy" claim! Many cases that are more complex—say, for instance, they involve a pre-existing injury or an off-site accident—can be downright frustrating. **Workers' Compensation law is, by nature, difficult to understand and the odds are stacked in favor of the employer and the insurer.**

As an Atlanta Workers' Compensation attorney, **it's my goal and my passion to help injured workers fight for the benefits that they deserve and need after suffering injury or illness because of their jobs.** This hasn't always been my story; I actually used to work on the other side of the fence as a Workers' Compensation *insurance* attorney, as opposed to the one that fights for the *injured*. I handled almost every kind of claim you can imagine, sometimes as many as 600 at a time! After 5 years, I decided to go into practice for myself and take a stand for the injured worker. What's so great about this is that I can use that vast array of insider knowledge that I picked up on the front lines and put it to use for my clients today.

As with any area of law, I can't offer a guarantee about what an injured worker can get in their Georgia Workers' Compensation claim, nor can I say that you will be successful in getting everything you are owed. All I can do is promise to bring my knowledge of how the system *really* works in addition to my commitment to advocate tirelessly for your rights. **With an attorney on your side, you empower yourself and your case**, you give yourself time to focus on healing, and you level the playing field between you and "the system."

Disclaimer

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Chapter 1:

What is Workers' Compensation?

Like most forms of insurance, Workers' Compensation is a program that few give any thought to until the time when it is needed most. If you have suffered a work-related injury or illness in Georgia, you are probably eager to learn more about this important resource for injured workers.

Workers' Compensation—also commonly referred to as “worker’s comp” or “workman’s comp”—is a form of insurance required for employers in Georgia.

The purpose of Workers' Compensation is to provide benefits for employees who are injured or become ill because of their work duties.

These benefits might include medical, rehabilitation, death coverage and other types of benefits. In short: Workers' Compensation provides you, the injured worker, with much-needed benefits if you are hurt because of your job.

Similar to some types of insurance—say, for instance, auto insurance—Workers' Compensation is not voluntary. In order to operate within the law in Georgia, your employer must provide Workers' Compensation for their employees. **Generally speaking, you cannot be denied your benefits through Workers' Compensation**, even if you had a hand in causing your own injury. Of course, there are instances where this is not the case.

You should know that Workers' Compensation is something of a two-way street. By having coverage with Workers' Compensation, **you must forfeit certain rights, such as the right to sue your employer or a fellow employee if they were the ones that would otherwise be liable for your injuries.** While this may seem unfair in some respects—why should a negligent employer be given immunity if they did something wrong?—know that you do have certain rights under Georgia law and the state takes Workers' Compensation cases very seriously.



In Georgia, Workers' Compensation is regulated and overseen by the Georgia State Board of Workers' Compensation. The government-managed entity has the freedom to change laws, rules and regulations on an annual basis. Changes are implemented on July 1 of every year. Your Georgia Workers' Compensation attorney will stay current with any relevant changes to the program, as well as other notable Georgia labor laws that impact how the Georgia Workers' Compensation program functions.

Chapter 2:

Who is eligible for Workers' Compensation?

One of the chief concerns we hear from employees who have suffered an injury while on the job is; am I eligible for benefits? In most cases, the answer is a resounding YES, you are eligible. Of course, there are exceptions to every rule, but **state law dictates that benefits are provided to injured workers and their dependents in the event that they suffer injury, illness or death because of a work-related accident or condition.**

Georgia Workers' Compensation law requires that employers who have 3 or more workers carry Workers' Compensation insurance. This includes most employers in the state of Georgia.

Furthermore, unlike other types of company-provided insurance, there is no minimum time that you must put in for the coverage to take effect. **Your Workers' Compensation coverage begins the day you start working.** This means if you were in the company warehouse on your first day at work, and you were injured in a forklift accident, your employer could not try to tell you aren't covered because you "hadn't been there long enough." This is an illegal argument, and your attorney will need to know if anyone tried to deny your right to coverage because of the length of your employment with the company.

There are some instances in which you may be legally ineligible for Workers' Compensation, aside from obvious reasons, such as not having been injured or not being an actual employee of the company. Also, if the accident occurred while you were performing a task off-site that was not work-related, you likely will be ineligible for coverage.

You are not eligible for Workers' Compensation in Georgia if your injury was caused by:

- **your own willful misconduct;**
- **your having consumed alcohol or drugs** prior to or leading up to the time of the workplace accident and injury; or
- **you were fighting or participating in roughhousing/"horseplay"** at the time of the accident and injury.



If you were careless, inattentive or simply made an innocent mistake that led to your injury at work, you are eligible for Workers' Compensation provided your actions couldn't be considered to have been an act of willful misconduct.

Because Workers' Compensation is essentially a no-fault system, you can't be punished or told you are ineligible if you played a primary role in your own accident and injury.

Chapter 3:

Common On-the-Job Injuries

Accidents can happen anywhere, and the same applies to workplace accidents and injuries. While you are more likely to suffer an injury working on a forklift in a warehouse or digging trenches at a construction site than you are crunching numbers in a cubicle, you could just as easily slip down a flight of stairs in the office building or develop carpal tunnel syndrome after years spent typing in a non-ergonomically designed desk.

That being said, let's take a look at **some of the most common on-the-job injuries that I hear about at my Workers' Compensation law firm:**

- **Carpal tunnel (or any repetitive movement injury)** – This progressive ailment causes sharp pain and increasing weakness in the afflicted wrist, hand and arm. This repetitive stress injury can be caused by using vibrating hand tools, working in a manufacturing job that requires a repetitive motion or from working on a computer keyboard.
- **Back injury** – A back injury can occur for any number of reasons and can mean a very long absence from work. These injuries are often associated with lifting injuries, and may be commonly seen with those who work in nursing, manufacturing or the transportation industries, as well as anyone who works in a stock room. Pain can be experienced in the neck, upper back or lower back and radiate out to any of the limbs.
- **Herniated discs** – This is a painful injury of the spinal cord that can be caused by sudden trauma, such as a fall from scaffolding, or through a repetitive straining of your spine, such as bending to perform part of your job duty.
- **Sprains and strains** – Sprains (a stretching or tearing of ligaments) affect the tissues that connect bones via your joints. Strains (a stretching or tearing of muscle or tendon) often occur in the lower back or hamstring. A sprain or strain can be brought on by a sudden movement (tripping down stairs) and is more likely to happen when the body is fatigued.

- **Torn rotator cuff** – A rotator cuff injury affects the 4 muscles and the tendons that form a covering above the upper arm bone and allow the bone to move. A torn rotator cuff can occur during an accident, such as a fall, or may be brought on and aggravated by years of engaging in a repetitive task that involves reaching overhead (i.e. line assembly work and the like).
- **Knee injury** – There are several types of knee injuries that can occur, and common symptoms of a knee injury include pain, “popping,” weakness and “locking.” Like many workplace injuries, a knee injury can occur suddenly, or because of repeated stress.

This is just a sampling of the most common on-the-job injuries that my firm has dealt with in the course of helping injured workers to file for and fight for their Georgia Workers’ Compensation claims.

Chapter 4:

What to do When You Are Hurt While On the Job in Atlanta

There are a lot of hurdles you can face when seeking benefits from your Workers' Compensation claim. You can help yourself with this uphill battle by taking the proper steps after a workplace injury has occurred.

Below are the things you MUST do when you are hurt while on the job in Georgia:

- 1. IMMEDIATELY inform your direct supervisor or your employer** of the accident and injury and ask for emergency medical attention, if necessary.
- 2. Ask your supervisor or human resources representative to give you the proper paperwork and fill it out as completely as possible.**
- 3. Return the completed paperwork** to the proper organization for processing as soon as you are able. Be sure to save a copy for your own records.
- 4. Find out if there were any witnesses to your accident**, whether they are fellow employees, a supervisor, customers or a member of the general public. If you are able to get any contact information about these witnesses, pass along this information to your employer.
- 5. Consider consulting with a Georgia Workers' Compensation lawyer if you are concerned about getting a fair settlement** or if your employer has expressed any indications that you may have your claim denied.

If your injuries keep you from starting this process in an immediate fashion, don't worry. Your health and safety are of the utmost importance and you certainly shouldn't delay getting treatment in order to fill out the required paperwork. In cases where you need immediate emergency assistance, a report should be made out for you and this should be passed along to your employer in a timely fashion.

Chapter 5:

Filing Your Workers' Compensation Claim

There's good news and bad news about your Workers' Compensation claim. Let's start with the good news: by filing, you are one step closer to securing the financial settlement you need in order to address your medical injuries and lost wages, and in extreme cases, short or long-term disability.

Now for the bad news: **filing for and receiving your Workers' Compensation benefits can be a long, arduous task.** In some cases, it may even be years before you receive a full settlement and your case can be put to rest.

But before you get discouraged from this process, let's break it down to the most basic steps so you can see how this will work:

Step 1: Report the accident and injury (or illness) to your employer and submit all appropriate paperwork to the person designated at your employer to handle such matters.

Step 2: Obtain a blank copy of the WC-14 "Notice of Claim" form from the State Board of Workers' Compensation. You can find this form at sbwc.georgia.gov. You can call the State Board of Workers' Compensation at 800-533-0682 or write to them at:

State Board of Workers' Compensation
270 Peachtree St. NW
Atlanta, GA 30303-1299

Step 3: Fill out and return the completed WC-14 to the State Board of Workers' Compensation. Be sure to send a copy to your employer, their Workers' Compensation insurance carrier and save a copy for your own files.

Timeline for Filing Your Georgia Workers' Compensation Claim

Once you've taken the necessary steps to report your injury, **you have 1 year from the date of the accident or injury to file your claim for Georgia Workers' Compensation.** If you sought and received medical treatment for your injuries, you'll have 1 year from the date of initial treatment to file your claim. Likewise, you will generally have 1 year to file a claim that's related to an illness that is brought on by your work environment, though the statute of limitations does vary depending on the nature of the illness and when it is expected that you should have reasonably known about the illness and its connection to your job.

Chapter 6:

When An Employer Tries to Deny Your Claim

Worst case scenario: You're at work, stacking boxes in the warehouse, when a heavy object falls from up above you and hits you on the head, causing a severe head and neck injury. You report the accident to your employer and file the proper paperwork only to have your employer deny the claim. Maybe they say that you were "horsing around" at the time of the accident, or maybe there are even allegations of drug use or alcohol consumption. Whatever the case may be, **when an employer or their insurance provider denies your claim, you may find yourself up against a wall with little recourse**, unless you take proactive steps to turn things around.

Start by contacting an Atlanta Workers' Compensation attorney and giving them a rundown of your case history. If possible, **provide them with copies of all of the relevant paperwork in your case:**

- **a copy of the accident report;**
- **medical records** in connection with your workplace accident and injuries;
- **pay records** that demonstrate any lost income since your injury;
- **a copy of your WC-14 "Notice of Claim" for Workers' Compensation;**
- **the names of any witnesses** to your workplace accident;
- **the names of the doctors** whom you have been sent to by your employer; and
- **photos or other evidence that substantiate your claim in any way.**

The unfortunate reality with a Workers' Compensation claim is the complexity of these types of cases leaves room for the victim to make plenty of errors or misunderstand the full extent of their rights for recovery. Most any legal matter is difficult for the average layperson, but there seems to be an extra set of hoops through which a victim must jump in order to fight for Workers' Compensation benefits.

If a Workers' Compensation claim is denied, you have the right to request a hearing from the State Board of Workers' Compensation, but you must do this within 1 year. Find an attorney who understands this system inside and out, and work with them to form a plan of action. Often, this will begin with an attorney requesting a hearing to have your case reviewed. Your attorney will assemble the evidence that you have helped to compile and prepare you for the hearing. They may also need to interview witnesses and consult with experts that can speak about your various injuries and the circumstances of your accident.

In the meantime, you'll want to tend to your medical and financial needs the best that you can. **Don't neglect your healthcare, as this can hurt your case, as well as causing you irreversible harm.** If your employer fires you, you are laid off or your injuries force you to take an extended or permanent leave from employment, file for unemployment benefits. In some cases, you may even be eligible for Social Security disability benefits if your injuries are expected to last for 12 months or more.

Chapter 7:

The Independent Medical Exam

Your employer gets to call a lot of the shots in your Workers' Compensation claim and perhaps the biggest one of all is where you get your medical evaluation and treatment. By seeking Workers' Compensation benefits, you relinquish a few rights, one of which is choosing your own doctors and healthcare providers; at least when it comes to treating and addressing your workplace injury.

From the get-go, your employer and their insurance provider can choose a doctor—otherwise known as “the company doctor”—who will conduct an independent medical exam or evaluation to determine the extent and severity of your injuries. This is troubling for a number of reasons, not the least of which is that this doctor is essentially working for the insurer. Sure, they are required by Hippocratic oath to give you the care you deserve, but because they are not your own personal physician of your choosing, it may not be a doctor with whom you feel a high level of trust or rapport. Sad to say, **in some cases, a “company doctor” may also display bias against an injured employee by understating the nature of their injuries or required treatments and necessary time away from work.**

While you do not get to choose whether or not you submit to an Independent Medical Exam, **you DO get the chance to ask for a change in physician at least once in the claims process.** Your attorney is your greatest ally in the effort to secure this change in physicians. They must present a compelling reason for the change. If you find it necessary to make subsequent changes in physicians, your attorney will have to request a hearing in order to make the case for switching out medical providers once again.

One thing to be careful of is when the company doctor tells you that you are cleared for work. According to Workers' Compensation protocol, you must at least attempt to return to work, following any restrictions given by the physician. **If you experience pain when returning to work, make a record of that and report it to the doctor as soon as possible.** If your doctor doesn't take your pain seriously, talk to your Workers' Compensation attorney about your treatment. It may be time to have your medical care reevaluated.

Chapter 8:

What Benefits are Provided by Workers' Compensation?

Georgia Workers' Compensation has a complex system in place to determine the *how* and *when* aspects of your benefits in the event of a workplace injury. While wage and death benefits are available in applicable cases of a work-related injury in Georgia, we'll use this chapter to focus primarily on Medical Benefits and Disability Benefits.

Medical Benefits are those that will provide you with the medical care and attention that you deserve and need in the days, weeks, months and even years following a serious workplace injury. **According to Georgia Workers' Compensation laws, there are *no limits* on the amount of medical benefits to which an injured worker will be entitled.** This is a tremendous weight off of many injured worker's shoulders, as medical bills and treatment plans can cause a huge burden on an injured worker and their family.

Workers' Compensation Medical Benefits at a Glance

Your medical benefits will include coverage for:

- **emergency medical care** – once the medical situation has passed, you must resume care through your employer's preferred network of providers as outlined in their Workers' Compensation materials;
- **prescription medications** – check with your company's representative to see how this expense is handled through your employer. It may be an upfront coverage of your necessary prescriptions, or it may be a system of reimbursements;
- **necessary tests** – including MRIs, CT scans and other required diagnostic tools;
- **surgery** – if surgery is a requirement of your full recovery, your physician should contact your employer to arrange for this expense to be covered;
- **physical therapy** – if physical therapy is necessary as a part of your full recovery, your physician will refer you to a covered provider; and

- **miscellaneous expenses** – your medical benefits will provide you with a “reasonable” reimbursement of the cost of getting your required treatment. This means things like mileage, meals and lodging, if, for instance, you had to visit an out-of-town specialist once every 3 months to treat a specific condition. Be sure to check with your employer before incurring any miscellaneous expenses.

If you incur any additional covered expenses in the course of treatment for your workplace injury, your costs should be reimbursed within 30 days of your submission of the expense. Often, you will receive the payment sooner than that. If it takes longer than 30 days, you should also be given a “penalty” on top of the original amount. Make sure you seek expenses within 1 year of accruing them or you waive your right to that particular compensation.

Workers’ Compensation Disability Benefits at a Glance

Disability Benefits under Workers’ Compensation are a bit more complicated than Medical Benefits with variances for “Total Disability,” “Temporary Partial Disability” and “Permanent Partial Disability”. There are also certain provisions in the event that you have *lost* or *lost use of* a certain part of your body, such as a digit, limb or senses.

The time limits and limitations on disability benefits are as follows:

- **Total disability** – waiting period of 7-21 days with a maximum weekly benefit of \$500. In addition, you are entitled to 66 2/3% of your average weekly wage as calculated on the 13 weeks prior to your injury. The benefits cease after 400 weeks, or roughly 7½ years;
- **Temporary partial disability** – there is a maximum payment of \$334 per week for up to 350 weeks. In addition, you are entitled to 2/3rds of the difference in wage before your accident and after;
- **Permanent partial disability** – this includes weekly benefits of up to \$500 and 2/3rds the difference in your pre- vs. post-accident wages. The duration of your benefits is tied to the nature of your disabling injury. For instance, losing your pinky toe in a warehouse accident might entitle you to 20 weeks of Workers’ Compensation disability benefits, while the loss of an arm or leg will entitle you to 225 weeks of compensation.

The Georgia Workers' Compensation statutes that dictate the timing and payment caps for any kind of benefit are subject to change once a year and your Atlanta Workers' Compensation attorney will be well versed in the most current allowances and how they relate to your specific injury.

Chapter 9:

Evaluating the Worth of Your Workers' Compensation Claim

The information in the previous chapter about the key types of Workers' Compensation should give you a general idea about the amount you will receive on a weekly basis for your work related injury. The **two main factors that come into play when determining the value of your claim are; the type of disability benefits you receive and the wage benefits to which you are entitled.**

Let's start by considering the benefits you receive in relation to your injury and/or disability itself. Of course, you won't really know the value of your Workers' Compensation claim until you have a better understanding of the extent of your injuries or illness. For instance, a permanent disability will mean more in benefits than a partial disability, since a worker with permanent disability has suffered significant loss and may have a difficult time finding employment in the future.

Your medical benefits come into play here, as well. If you are required to have surgery at some point in the future because of your work related injury and this is known, it should be included in your benefit payment.

The other aspect to consider as to the general value or worth of your Workers' Compensation claim is your wages. **Your "wage benefits" are tied to your pre-injury wages and you will generally earn 66% or 2/3rds of your average hourly wages in the 13 weeks leading up to accident.** There is currently a \$500 cap on these benefits.

These are very general ways to determine the value of your Georgia Workers' Compensation claim. **Without the help of a Georgia Workers' Compensation attorney, it's very difficult to know whether your settlement is fair and as inclusive as it needs to be.**

Chapter 10:

Pre-Existing Conditions: A Potential Complication for Your Workers' Compensation Claim

One of the trickiest areas of Georgia Workers' Compensation law and coverage is the approach taken to pre-existing injuries. When I was working in the Workers' Compensation insurance business as an attorney for the insurers, I quickly realized that insurers have a track record of using an injured worker's pre-existing injury or condition to deny a truly legitimate Workers' Compensation claim. Because of this, your Atlanta Workers' Compensation attorney will need to know about any pre-existing conditions in order to best serve your case.

Below are the 3 key points to know when a pre-existing condition is a factor in your Georgia Workers' Compensation claim:

1. **Your employer is only responsible for the aggravation of your pre-existing condition that is brought on by your job duties, *not* the pre-existing condition itself.**
2. Your insurer will almost certainly request a complete medical history in the course of determining your Workers' Compensation claim. **You must be honest about any pre-existing conditions or injuries.** Attempting to hide a past injury or illness could result in the dismissal of your claim *and* land you in serious legal trouble.
3. **Once your injury or condition has returned to its previous condition (i.e. it returns to how it was before you started working and aggravating it through your job duties) your employer is relieved of their duty to provide you with Workers' Compensation benefits.**

To get an idea of how this concept actually works, consider this scenario: "Bob" was in a car accident in 1997 and injured his lower back in the crash. There was permanent injury to the spinal discs in that area and Bob still experiences mild pain and stiffness from time to time, though nothing that prevents him from maintaining employment or engaging in light physical activity.

In 2008, Bob gets a job working in a factory in the Atlanta area that requires him to bend over in a way that puts pressure on his lower back for much of the day. After 2 years of this job, he's in constant, crippling pain and can no longer perform his job duties. At this point, Bob could file a Workers' Compensation claim in relation to the repetitive motion injury that has exacerbated his pre-existing condition of lower back pain. In a successful claim, he would be compensated for his lost wages and medical needs until the point where his injury returns to what it was *before* he started at the factory. This doesn't mean Bob's employer must pay medical/disability/wage benefits until Bob's back is free from injury – *they are only obligated to account for their role in his current condition.*

One of the most important things I can tell you about working with pre-existing conditions is to **listen to your body**. If you have a pre-existing condition that causes you pain on a daily basis, that doesn't mean that you should ignore any new symptoms or a worsening of discomfort. If your job has exacerbated an already existing injury, you have the right to seek compensation to at least get back to where you were before things got even worse.

You should be prepared, however, for the complications involved in such a Georgia Workers' Compensation claim and **seek out an Atlanta Workers' Compensation attorney who has experience handling legitimate claims that have been denied or undervalued because of a pre-existing condition.**

Chapter 11:

The Ultimate Roadblock to Your Claim – When an Employer Failed to Have Workers’ Compensation

Most of what I’ve said so far in this Georgia Workers’ Compensation book is aimed at the injured worker who is concerned about whether their employer or the insurance company are going to give them a fair shake when it comes to providing much-needed benefits. But what if *there is no insurance company*? What if your employer *simply doesn’t have Workers’ Compensation coverage* for you and your fellow employees?

First and foremost, know that it is against Georgia state law for an employer to operate without Workers’ Compensation coverage. (The only exception to this is employers with 1 or 2 employees, which very seldom is the case.) When an employer doesn’t have the required Georgia Workers’ Compensation coverage in place, it is especially beneficial to seek legal help so you can learn about your options for facing this considerable challenge.

Why might your employer be without Georgia Workers’ Compensation coverage to provide to injured workers? **Some of the more common reasons are listed below:**

- **The Workers’ Compensation insurance company filed bankruptcy** – If this was the case, your employer should have notified the proper state authorities as well as alerted employees to the situation and secured coverage in a timely manner, while providing an alternate form of coverage in the meantime. If the insurer failed to notify your employer of the bankruptcy, the case may become especially complicated.
- **Employer failed to pay insurance premium** – Times are certainly tough for many employers in Georgia, both big and small, and employers may have trouble meeting premiums for their Georgia Workers’ Compensation coverage. Regardless, there is no excuse to allow employees to continue working without the state-mandated coverage.
- **Employer out of business** – If it is your employer that went out of business, your Atlanta Workers’ Compensation attorney can help you to explore your options for seeking the benefits that you are owed, despite your employer being non-operational.

Don't despair if your employer was without the proper Georgia Workers' Compensation coverage. Though this may seem like the end of the road for the recovery of your damages, it's not. Your Atlanta Workers' Compensation attorney has an arsenal of methods to help injured workers cope with such a challenge. Perhaps you will have the option of bringing forth a Georgia personal injury claim in such circumstances, particularly if there is any chance of third party liability.

Another great resource for injured workers to explore are the special funds that have been established by the state to offer assistance to workers who are in your very same situation. You can read more about third party liability in chapter 14 of this book, or ask your Atlanta Workers' Compensation attorney to give you some insight into how that aspect of work injury law works.

Chapter 12:

Other Avenues to Explore in a Georgia Work Injury Case

One of the biggest drawbacks to the Georgia Workers' Compensation system is that it prohibits injured workers from filing injury claims or lawsuits against employers or fellow employees who may otherwise have been liable for your accident and injuries. While this does limit your potential compensation in some ways, it doesn't necessarily mean that you cannot pursue damages from other liable parties. Specifically, you and your Atlanta Workers' Compensation attorney should work together to explore the option for seeking recourse in a third party liability claim in situations where this is a possibility.

Third Party Liability at a Glance

A third party liability claim may be a possibility when the negligence of a third party—not your employer—played a pivotal role in your work-related injuries or illness.

Listed below are examples of when third party liability can factor into a work injury or illness:

- **Manufacturer liability** – This comes into play when a defective product causes a workplace accident, such as a defective scaffolding collapsing and resulting in a serious construction accident, or a piece of manufacturing equipment short circuiting and causing serious injuries for a factory worker.
- **Motor vehicle accidents** – If driving is a part of your work duties and you are injured in a car accident while you are on the job, you may be able to seek restitution from the other driver if it can be proven that they caused the accident.
- **Liability by government entity** – In cases where a government entity played a role in your injury (for instance, you were in a car accident that was caused by poor road design or with a government-owned vehicle) you may be able to bring action against the government entity. These claims have an unusually short statute of limitations and may have to be brought as soon as 30 to 180 days from the date of injury.
- **Property owner or contractor/sub-contractor liability** – Especially common with construction accidents, if a property owner, contractor, or sub-contractor who is not your employer has contributed in some significant way to your injuries, you may be able to pursue a third party claim against that entity.



Because of the potential multi-faceted nature of a Georgia work injury claim, **it is beneficial to work with an Atlanta Workers' Compensation attorney who also has experience with Georgia personal injury claims and lawsuits.** This way, your attorney can handle both parts of your claim and really help you to explore all avenues for financial compensation in a Georgia work injury case.

Chapter 13:

Why Having an Atlanta Workers' Compensation Attorney on Your Side is Important to the Success of Your Claim

While it was my goal to break things down as simply as possible and really just give you the most essential points of filing a Georgia Workers' Compensation claim, it's easy to see how this stuff can quickly get overwhelming to someone who isn't trained in deciphering legal statutes on a day to day basis. Georgia Workers' Compensation law can change on a yearly basis, adding to a deck that is already stacked against most injured workers.

In a Georgia Workers' Compensation claim, you, the injured worker, are essentially at the mercy of your employer and their insurer. They get to call the shots about where you will go for your medical care and about the doctors that you can see. This fact comes into play with every other part of your claim and will have a lasting influence on the success of your Georgia Worker's Compensation case.

Because your employer is footing the bill for your medical treatment, it's tempting to "go with the flow" and not want to rock the boat, especially if you are worried that your compensation will be taken away if you dare to question anything about your care or coverage. But **you do have the right to have some influence in your medical care.** In cases where it can be shown that the "company doctor" isn't giving you the most favorable treatment, I can work to get a change in doctor so that you can have a better chance at obtaining the treatment and care you deserve.

The role of an Atlanta Workers' Compensation attorney is to first and foremost champion for the rights of the injured worker. We do this by focusing on gaining as much control over the medical care as possible. At the same time, we explore the avenues for compensation that an injured worker may not have otherwise considered, such as any potential third party claims. This approach allows you to focus on your recovery and tending to your medical needs, instead of trying to figure out what is and is not covered under Georgia Workers' Compensation law.