

Applying for Workers' Compensation Benefits

NELP

Fact Sheet for Workers

Advocating for the working poor and the unemployed

May 2002

Know Your Rights

Employment Law
Clinic for Low-Wage
and Immigrant
Workers

Free legal assistance
is available by
appointment. Call:

(212) 417-3800 on
Mondays &
Wednesdays

(888) 218-6974 on
Tuesdays & Thursdays

The clinic is a joint
project with the Legal
Aid Society and MFY
Legal Services

National
Employment
Law Project
www.nelp.org

The Basics: The Workers' Compensation Claims Process

Applying for workers' compensation benefits can be complicated. This fact sheet explains the most important forms in the application process and can help you understand how to file a claim.

The Application Process

You must fill out and file the C-3 form to receive workers' compensation benefits. Your employer will not apply for workers' compensation on your behalf!

The Application Forms (see attached forms)

The **C-3** and **C-4** forms are the two most important forms in your claim for workers' compensation benefits. Both forms must be filled out and submitted for your claim to be processed.

C-3: This is your application form for workers' Compensation benefits. You must fill it out and send it to the Workers' Compensation Board.

Brooklyn 111 Livingston St., Brooklyn, NY 11201
1-(800) 877-1373

Bronx & Manhattan 215 W. 125th St., NY, NY 10027
1-(800) 877-1373

Queens 168-46 91st Ave., Jamaica, NY 11432
1-(800) 877-1373

C-4: This form provides the Board with information about your medical condition. It is used to determine your level of benefits. Have your doctor fill out this form and submit it to the Workers' Compensation Board. Generally, C-4 forms should be submitted by your doctor every 4-6 weeks.

Fill out and submit the C-3 Form as soon as possible.

Application Tip!

Your employer is required by law to post their workers' compensation insurance carrier in an area accessible to workers. You can still get medical treatment and apply for workers' compensation without this information, but having this information on hand for your doctor may prevent delays in your benefits.

What to do if You are Injured on the Job or Become Ill Due to Your Work

1. Tell your employer

Notify your employer as soon as you are injured. You may notify your employer verbally but it is important to follow up in writing. Written notice should be provided within 30 days of the injury. In some cases where your employer knew of the injury, you may still be eligible for benefits even if your written notice is more than 30 days after the injury happened occurred. Written notice should include:

- a) Your name and address
- b) The time, place, nature, and cause of the injury, and
- c) Your signature or the signature of the person writing on your behalf.

The letter should be delivered in person or by registered mail. Keep a copy of the letter for your own records.

2. Get medical treatment

Generally, workplace injuries fall into two categories: sudden injuries and slowly developing injuries or illnesses. Examples of sudden injuries are broken bones, sprains, cuts, and burns. Some examples of slowly developing injuries or illnesses are respiratory ailments, back pain, and carpal tunnel syndrome. Workers' compensation benefits cover both categories of injuries.

Sudden injuries

If it is an emergency, go to the emergency room. Make sure you tell the doctor that you were injured as a result of your job.

Paying for medical care: You should not have to pay for medical care for a work related injury. Doctors must bill your employers' workers' compensation insurance carrier. Provide your doctor with the information about your employers' workers' compensation insurance carrier as soon as possible. Remember to complete and file the C-3 form application for workers' compensation.

If your claim for workers' compensation is denied, you should request your insurance carrier to cover the medical bills. If you do not have insurance, consult with the financial planning services of the hospital to establish a payment plan.

After getting emergency care, arrange for a follow up appointment with a doctor to fill out a C-4 form.

Chronic or slowly developing workplace injuries

If your injury or illness does not require immediate emergency care, apply for workers' compensation by filling in and filing a C-3 Form. (See above for where to file.) If you are suffering from a work related illness, it is important that you seek medical care from a doctor who specializes in occupational illnesses. See NELP Resource Sheet for Workers: Occupational Health Clinics in New York for a list of clinics where the doctors and staff are specially trained to diagnose and treat work related illnesses. The clinics can also assist you in your application for workers' compensation and, if necessary, establish a payment plan.

3. Apply for Workers' Compensation benefits by filling out and filing a C-3 Form

Sudden injuries: You have two years from the date of your injury to file a C-3 Form.

Chronic or slowly developing workplace injuries: You must file your C-3 Form within two years of a) the date that you were told you had a work related disease; or b) the date you actually became disabled from work because of this condition.

4. Make a follow up appointment with your doctor to fill out a C-4 Form.

5. Make and keep copies of all paperwork related to your injury.

Important documents include but are not limited to: copies of accident reports at work, all workplace and medical documents related to your injury, and receipts for medicine and transportation to your medical provider.

6. Payment for an injury can take from a month to several months. You may have to attend several Workers' Compensation Board hearings before your benefits begin.

Medical care tips!

- Always give your doctor as much information as you can about your injury and how you were injured at work. This will help her decide whether you need time off from work or other accommodations. Note, just because a doctor thinks you need accommodations does not mean your employer is required by the law to make workplace changes for you.
- Give your doctor the name of your employers' workers' compensation insurance carrier.
- Keep receipts of transportation costs to medical providers, medicine or other medical supplies you had to buy. You may be reimbursed for these costs later.