



Workers' Comp Attorney  
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## Workers' Compensation Guide

### **What is workers' compensation?**

Workers' Compensation is a remedy that was created by the Legislature in order to provide compensation for those who were injured on the job. Prior to workers' compensation it was necessary for an injured party to prove that the employer was negligent and it was that negligence that caused the employee's injuries in order to obtain recovery. Many injured employees were left without compensation and unable to work thereafter. The North Carolina Workers' Compensation Act was then formed. The North Carolina Workers' Compensation Act offers benefits to entitled injured workers through the form of medical treatment, lost wages, and payment for permanent disability.

### **Is workers' compensation the same as disability insurance?**

No. Workers' compensation is completely separate from other benefits like group health, life and disability insurance that some employers may have.

### **What is a workers' compensation injury?**

In order to have a compensable workers' compensation injury you must have been injured by an accident that arose out of and in the course of your employment.

### **What should I do if I get injured on the job?**

If you are injured on the job the very first step is to notify your supervisor. Make sure that an incident report is filed with the appropriate personnel of your employer. Even if your injuries are not serious you must still report your injuries. If your injuries become more problematic later, failing to file that initial report may hinder your claim. In addition if you need medical treatment then request it when you file your report with your employer.

### **Can I receive unemployment compensation and workers' comp benefits at the same time?**

No. If you are receiving weekly benefits from the workers' compensation insurance carrier then you cannot receive unemployment benefits from the Employment Security Commission.

### **What can I do if I'm not receiving my benefits check?**

Pursuant to N.C. Gen. Stat. §97-18(g), if any payment of compensation is not paid within 14 days of the day the payment was due then you are entitled to a 10% late payment penalties for any amounts not received. In order to receive this amount you must file a request for this penalty with the Executive Secretary's Office of the North Carolina Industrial Commission.

**If I am unable to return to the type of work I did before I was injured, what can I do?**

If you are unable to return to your previous position due to your work related injuries then the North Carolina Workers' Compensation Act allows for the injured employee to be placed in vocational rehabilitation to be provided by the workers' compensation carrier. A vocational rehabilitation counselor will be assigned to help the injured employee find suitable employment.

**Is there a period of time after which my claim is no longer open?**

If you have a workers' compensation claim and you receive only medical treatment and do not lose any time from work then your claim will close within 12 months of the last date of medical treatment paid for by the workers' compensation carrier. If you received weekly benefits due to your injury then your claim will close two years from the last date of compensation received.

**If I am injured, do I have to file a claim form?**

No. There is no requirement to file a form with the Industrial Commission, however, in order to protect your statutory rights it is highly recommended that you file Form 18. A Form 18 is a Notice of Accident which lets the Industrial Commission, your employer, and their insurance carrier know that you are claiming a work-related injury. If a Form 18 is not filed within two years then your claim may be time barred and no recovery may be had.

**What are my benefits?**

If you are injured on the job and you have a compensable workers' compensation injury then you are entitled to medical treatment, lost wage benefits, and benefits for any permanent partial disability suffered as a result of those injuries.



**What do you do if you are my lawyer?**

As your attorney, we would move quickly to ensure that your claim has been properly preserved. We will review your file and ensure that you are receiving all the benefits to which you are entitled. If you are not receiving those benefits, we will advocate on your behalf get those benefits for you. We will also ensure that you are receiving the medical treatment and protection while you are out of work or if you are returning to work under restrictions.

**Do I need a lawyer?**

While not every injured worker needs a lawyer, we encourage everyone to at least consult one to make sure you understand your rights. If a dispute arises as to whether or not the worker is covered, whether an employer maintained workers' compensation insurance, or if an injury is severe, an attorney needs to be involved to ensure that the injured worker receives all benefits in a timely manner. Just remember, the only person truly working in your best interests is the lawyer you hire.

**For More Information**

For a free review of your situation or to see if you have a case, please contact Attorneys Leone Noble & Seate toll free at 1-877-847-4804 or chat online at [www.defendmyrightsnow.com](http://www.defendmyrightsnow.com).

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