

Injured on the Job?

Be Careful When Filing Your Workers' Compensation Claim



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As an attorney who has represented many union members in their workers' compensation claims, I always advise someone who is injured on job to report the injury immediately to his supervisor. However, the workers' compensation claim itself should not be filed without a full understanding of the potential legal consequences of doing so.

The reason for this is fairly simple: the law in the District of Columbia now states that if an injured worker files a claim and accepts benefits under the laws of Maryland or Virginia, then that employee may be prohibited from deciding later that he wants to instead bring the claim in DC. Why does this matter? Because in many cases, the benefits avail-

able for a claim in DC are significantly higher than those available to the injured worker for that same injury in Maryland or Virginia. Employers and their workers' compensation insurance companies will often voluntarily pay benefits under the laws of Maryland or Virginia or will insist that that an injured employee fill out Maryland or Virginia claim forms. While they may do this innocently in some cases, in many other instances their motives may be more sinister; namely, they may be attempting to limit the total amount of benefits they will have to pay to the injured worker.

My hope is that those of you who read this article will not fall into this trap. Generally speaking, if the injury occurs in

DC then the claim can be brought there, regardless of where the employer's office is located. Even union members who are injured in Maryland or Virginia may, in some cases, be entitled to benefits in DC. The difference in benefits could easily be many thousands of dollars over the life of the claim, and therefore it is extremely important that the claim be filed in the proper jurisdiction before any benefits are accepted.

If you have the misfortune of being injured at work, you do not have to make these important decisions on your own. You should immediately contact your union hall or feel free to contact me directly, free of charge, at 202-822-1887 or dschloss@koonz.com.



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