

## TOP TEN MISTAKES OF PEOPLE INJURED AT WORK

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Most people make good decisions when they are well informed. This is especially true of people who are injured at work, entitled to workers' compensation and who have taken steps to be well informed. The Alabama Workers' Compensation Act is very specific. Too often in helping those who have been injured at work, we see people with legitimate and substantial injuries making mistakes and then being unable to correct the mistakes. This results in the tragedy of a victim not receiving the compensation and medical care he or she is due. Familiarize yourself with these common mistakes to protect YOURSELF and YOUR FAMILY MEMBERS:

1. **Failure to Timely Report an Injury at Work:** In Alabama an injured worker must report an on-the-job injury within 90 days. Failure to do so can be a complete bar to getting compensation for the injury. Insurance companies deny hundreds of cases a year because of this. Even if you think the injury is minor it should be reported to your supervisor immediately after the injury. The earlier an injury is reported the more likely it will be considered a legitimate compensable injury. If possible, the injury should be reported to your supervisor the day of the injury or within five days of the injury.
2. **Failure to Seek Reasonable Medical Attention Soon After an Injury at Work:** Most states, including Alabama, stipulate that the accident victim bears the responsibility of proving that they were injured in an accident at work. Proving this becomes more difficult if you do not seek reasonable medical attention soon after the event. Insurance companies will believe that this must be a sign that you were not significantly injured. In short, if you were not hurt badly enough to be treated, you were not hurt badly enough to be compensated. A second reason to seek medical attention is that accident injuries sometimes arise only after days or weeks have passed, but may be detected by the doctor if examined shortly after the accident.
3. **Failure to be Totally Honest with Your Doctor about Medical History and Personal Habits:** The accuracy of your diagnosis and treatment depends on your honesty with your doctor. However beneficial to you or your case it may seem at the time, any lack of honesty, when exposed in court, will seriously weaken your credibility and therefore your case. If your doctor bases his diagnosis on false or incomplete information, the diagnosis can be called into question and rejected. You can be sure that this will catch up with you, and potentially destroy your case.

4. **Talking about Your Lawsuit, Your Employer, the Insurance Company, or Seeking Legal Advice from Your Doctor:** It may seem a good idea to speak with your doctor about your case but it's not. This can only cloud your case, create negative implications in your medical records and may complicate and negatively impact your medical care and your case. Remember that what you say in confidence to your doctor is NOT protected information once you have filed a claim in court.
5. **Being Late or Missing Medical Appointments:** This is similar to number two. If your medical records reflect a pattern of missing appointments, your commitment to your treatment as well as the severity of your injuries can be called into question. Always give 24 hours notice to reschedule an appointment.
6. **Failure to Have Your Pain Documented Accurately in Your Medical Records:** Pain is invisible to everyone but you, and must be substantiated in your case by someone other than you. Your medical records need to document your experience of pain due to your injuries, and for this to happen you must tell your doctor about your pain. Keep a daily record or journal of your pain and share it with your doctor so it can be officially documented. Do not exaggerate, but do not downplay either.
7. **Failure to Inform Your Doctor of the Effect of Your Injury on Your Work:** Just because you know that your work has been affected, doesn't mean that the insurance company or judge will know it. If they read about it in your medical records, it is suddenly real and substantiated. Share this information with your doctor, keeping track of it as you do your pain - in a daily record or journal so you don't distort (for better or for worse) your experience.
8. **Not Taking Medications as Prescribed and Ending Medical Treatment too Soon:** This is a problem for patients in workers' compensation cases and in personal injury cases as well. By stopping your medication early, taking it sporadically, or otherwise not heeding the directions, you compromise your health and your case. Share valid reasons for modifying your medication (side effects, interactions) with your doctor. Insurance companies and judges interpret your termination of treatment as a sign that your injury must be healed. They are also prone to interpret large time gaps between treatments as a sign that the injury at work has healed and the second treatment must be for a new, different, or unrelated injury.
9. **Failure to Follow Treatment Recommendations Due to Depression or Anxiety:** Pain and/or disability are common causes of depression or anxiety. These conditions are treatable, but only if you share the symptoms with your doctor. Sharing with your doctor is also the only way to substantiate these conditions in your medical record. This is important, as psychological problems from the physical injury at work often figure prominently into workers' compensation cases.
10. **Failure to Create and Maintain a Personal Medical File:** It is essential that your lawyer know all of your medical care providers and every procedure that you have done after an injury at work. It is equally important to keep track of doctors' orders, treatments, referrals, and work restrictions. This information is most easily managed by keeping a medical file on your injury. You should place all medical records relating to an on-the-

job injury into a file folder & give them to your attorney.