

# **Five Pennsylvania Workers' Compensation Myths**

Five common misconceptions regarding workers compensation.

## **I Don't Need a Lawyer**

The insurance company has an attorney and they do this 24/7. This is probably your first workers compensation case. How do you know what your rights are? How do you know if they are paying you the right amount of money? Are you getting all the benefits you are entitled to? These are questions that you should know the answers. A lawyer COSTS YOU NOTHING unless the insurance company challenges your right to benefits. At that point you are essentially required to have a lawyer so you might as well have one for free up to that point. Your lawyer can act as a liason between you and the insurance company so that you don't do anything that might adversely affect your rights.

## **If I Settle My Case Myself I Will Avoid Legal Fees and Save Money**

You do not need to have a lawyer to settle your case. However, you will end up costing yourself money in the end if you are not represented. The insurance company will low-ball unrepresented claimants. Furthermore, you are apt to under-value your case. When a client comes to me and the insurance company has already made an offer, I will guarantee that they will end up with more money in their pocket even after legal fees. I can provide the guidance and advice that will result in a settlement at full value.

## **I Have To Go To the Company Doctor**

The insurance company only has to pay for doctors designated by the employer for the first 90 days after an injury. However, the employer must post a list of 6 or more physicians in order to avail themselves of this control over your medical treatment. If they do not have a list then they you can see anyone that you choose. Under no circumstances can they dictate which of the 6 doctors you see. You can see anyone of them and you can change doctors within the panel. Regardless, you can and should switch doctors after 90 days.

## **I am Going to Get a Big Settlement Because of All the Pain and Suffering That I have been Through**

Pain and suffering is not compensable under the workers compensation act. A settlement is based upon the injured worker giving up future rights, such as wage and medical benefits in exchange for a lump sum of money. The most important factor is the amount of your pre-injury average weekly wage.

## **My Employer Was Responsible For My Injury So I am Going to Sue Them**

You can't sue your employer. Your rights are limited to those within the workers compensation act. In exchange for the no-fault rights contained within the act, the employer is granted immunity from a lawsuit for negligence. So even if your employer was grossly negligent, you can't sue them. However, nothing prevents you from suing a culpable third party. In other words, if you can show that someone other than your employer was negligent, you can sue that person and recover for your pain and suffering.