

# ADVOCATE FOR INJURED WORKERS

## Workers' Compensation Board The Advocate for Injured Workers

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The Advocate for Injured Workers offers presentations on workers' compensation issues that are important to workers, labor unions, employers, COSH groups, and injured worker support groups.

Call or email to schedule an educational session.

The Office of the Advocate for Injured Workers offers a unique service to assist workers who are injured or made ill on the job in New York State. The Advocate's staff provides guidance and information to injured workers to enable them to protect their rights in the workers' compensation system.

If you are unsure of your rights as an injured worker, help is a phone call away. Call **(877) 632-4996** and ask for the **Advocate for Injured Workers' office**. The staff in the Advocate's office can give you straight answers about:

- How to file a claim
- Which forms are used
- Who is covered
- Disputed claims
- Hearing and appeal rights
- Timely filing
- Record keeping
- Your role in your medical treatment
- What medical benefits are available
- Rehabilitation and social work
- What to do in the event of death

The Advocate for Injured Workers travels throughout the state and meets with labor unions, employers, occupational safety/health groups, and injured worker support groups to provide updates on changes within the workers' compensation system.



## If You Are Injured on the Job

When a **workplace injury** occurs, you should:

- Seek first aid or other necessary medical treatment as soon as possible.
- Report the injury to your employer in writing within 30 days after the date of the accident.
- File a claim with the NYS Workers' Compensation Board (Board) within two years of the date of your injury; however, it is best to file as soon as possible.

If you have been diagnosed with a **work-related illness** or **occupational disease**, you should seek necessary medical treatment as soon as possible.

Workers' compensation claims for an occupational disease must be filed within two years of when you become disabled; or two years from the date you knew or were told by a health care provider that the condition was work related.

### FILING A CLAIM

**FASTEST:** Visit [wcb.ny.gov](http://wcb.ny.gov), select **File a Claim**, and complete the *web version of the Employee Claim (Form C-3)* to submit the form online.

If you have questions about filing a *Form C-3*, please call **(877) 632-4996** and a Board representative will assist you.

## Questions About Your Claim?

For more information about your workers' compensation claim, please call:

**(877) 632-4996**

You will be asked for the following information when you call:

- Your name
- Your WCB case number, if filed
- Telephone number (with area code) where you can be reached
- Brief description of the problem and any correspondence received

## Medical Care

All approved medical care for your injury or illness is paid for by your employer's insurer. This care is covered whether or not you lose time from work. It is also paid in addition to any benefits for missed wages.

Health care providers must be authorized by the Board. You can find a list of authorized health care providers on the Board's website at [wcb.ny.gov](http://wcb.ny.gov) or by calling the Medical Director's Office at **(800) 781-2362**. You can receive care from any of these providers or from your own doctor if he or she is authorized.

## Lost Wage Benefits

Workers' compensation lost wage benefits are payable based on proper medical documentation from a treating health care provider. Benefits are paid at two-thirds of your average weekly wage, based on your wages for the 52 weeks prior to the date of injury, and are not to exceed the maximum benefit amount allowed by law.

The maximum benefit amount adjusts every July 1. It is based on the New York State Average Weekly Wage for the previous calendar year as reported by the Commissioner of Labor to the Superintendent of Insurance on March 31 of each year.\*

If you were working more than one job at the time of your injury, that may be considered "concurrent employment." In this case, wages from each job should be reported to the Board. If it is "concurrent employment," the wages are totaled to determine your average weekly wage.

*\*The benefit rate an injured worker receives (determined by his/her date of injury) does not increase if new maximum benefits are adopted into law.*

*Workers' compensation fraud is a Class E felony, punishable by up to four years imprisonment and a \$5,000 fine.*

### REMEMBER: SAFETY ALWAYS

**The best accident is the one that never happens.**

The New York State Workers' Compensation Board protects the rights of employees and employers by ensuring the proper delivery of benefits and by promoting compliance with the law. To learn more about the Board, visit [wcb.ny.gov](http://wcb.ny.gov).