



Five Essential Steps to a Successful Workers' Compensation Claim

Accidents Happen

Unfortunately no matter what we do to prevent them, accidents in the workplace happen. Even in the safest work environments employees can be caught off guard by the unexpected. Something as simple as melted snow tracked into a building on a winter day can lead to a debilitating fall. Sometimes it's more obvious such as a broken belt or loose screw on an industrial machine that can result in serious injury, time away from work and lost wages.

When injuries do happen, it can be a stressful and scary time. The most important thing to remember is to stay calm, seek immediate medical attention if needed and be sure that everything is properly documented and proper procedures are followed.

Although it is always good to have a workers' compensation expert working on your side, the following guide will help you move through the process of dealing with an injury in the workplace and filing a claim with the Ohio Bureau of Workers' Compensation.



Failure to file an incident report can result in attempts to improperly document and minimize the incident at a later point in time.

Step 1: File an Incident Report

As soon as your injury is stabilized you should immediately file an incident report. The incident report is a document provided by your employer and filed in your employer's records. Incident reports should be readily available from your supervisor or human resources department.

Failure to file an incident report can result in attempts to improperly document and minimize the incident at a later point in time. (ie. "You said you were alright when we asked you to fill out an incident report.")

Even the most minor of injuries should be documented to account for any potential long-term problems (ie. back or muscle injuries that are slower to develop).

Make it as detailed as possible

Remember these key points when completing an incident report:

- Obtain an incident report from your supervisor or human resources department.
- Complete and file the incident report immediately if possible. If not possible at time of injury, do so as soon as practical
- List **exactly** how the injury occurred.
- List all body parts injured-even if they seem minor when compared to the main injury. For example, a



Always report everything as honestly and accurately as possible.

fall results in broken wrist but pain felt in back also—document back pain.

- “When I slipped on the water, I landed on my wrist and felt a ping go all the way down my back.”
- List the names of any and all witnesses.
- Complete all parts of the form.
- Review your answers before filing the incident report.
- Sign and date the form.
- Make a copy of the incident report for your records.
- File the incident report following the established procedures of your workplace (ie. hand to supervisor, email to human resources director).

If there isn't time to properly file an incident report be sure to notify supervisors or human resources personnel that an injury has occurred and that you are seeking treatment.

Step 2: Seek Medical Attention

There are a number of things to keep in mind when seeking medical attention for an injury. The most important is that you report everything as honestly and as accurately as possible. Don't be afraid to tell your physician about prior injuries or health problems. Doing so will help your doctor properly assess and treat the injury.



Many employers have a procedure in place for treatment of workplace injuries. Do your best to follow your employer's instructions.

It is also important that you move forward with proper care even if your workers' compensation claim is not resolved. If the workers' compensation claim is approved, insurance companies and deductibles should be reimbursed. Be sure to keep all receipts for care and treatment of injury.

Follow Employer Procedures

Many employers have a procedure in place for treatment of workplace injuries. This may include seeing a doctor recommended by the employer. Do your best to follow the employer's instructions. You can always seek a second opinion later if needed.

When receiving treatment for injury:

- **Explain in detail all body parts that were injured, not just what hurts the most.** This allows the doctor to document injuries that could potentially develop into larger problems over time.
- **Provide a specific description of the cause of the injury along with a detailed medical history.** Along with providing the information needed for proper treatment, your explanation of the incident will become part of the medical record.
- **Provide an honest and accurate description of the incident.** You may receive pressure from an employer or coworker to tell physicians that a workplace injury occurred at home or vice versa. If you were hurt at work, say so. If you were hurt at home, say so. Dishonesty at this point in the process will only work against you in a workers' compensation claim.



If the FROI-1 form is not completed in full and properly filed, you don't have a workers' compensation claim.



- **If your physician recommends time off from work or work restrictions be sure that the doctor is following proper procedure and let your employer know.** If treatment requires time away from work or work restrictions ask if the doctor will notify your employer and request written documentation of work related restrictions. Inform your employer of any work restrictions as soon as possible.
- **Ask if your doctor will file the First Report of Injury (FROI-1) with the Ohio Bureau of Workers' Compensation or will you need to file it yourself?** The FROI-1 form officially starts the workers' compensation process. It lets the Ohio Bureau of Workers' Compensation (BWC) know that a workplace injury has occurred and is the first step in a workers' compensation claim.

If this form is not completed in full and properly filed there is no workers' compensation claim.

Even if you don't think you will need workers' compensation, file the FROI-1 form. This ensures that any long-term injuries resulting from the accident will be properly accounted for. (More on completing the FROI-1 below.)

- **Keep all scheduled health care appointments and follow treatment plan as outlined by your doctor.** Missing scheduled health care appointments such as follow up visits or prescribed physical therapy or a failure to follow prescribed treatment plans can

extend the recovery period. A failure to properly care for an injury which extends the impact of work restrictions can result in an adverse affect on your workers' compensation claim.

Step 3: Filing the First Report of Injury (FROI-1)

The First Report of Injury must be completed and filed as soon as possible. Although the form can be submitted up to two years after the injury occurs, it is crucial that this form is submitted as soon as possible.

Note that completing an employer's incident report is different than the FROI-1. An incident report is an internal document and will not be submitted to the Bureau of Ohio Workers' Compensation.

Where do I obtain a FROI-1?

Many doctors will provide an FROI-1 form and file it for their patients. If your doctor's office does not provide this service, you can obtain an FROI-1 form from your employer, online at www.ohiobwc.com or by calling **1-800-OHIOBWC** and filing the report by phone.

Instructions for completing the FROI-1:

1. Fully complete the injured worker section of the form providing as much detail as possible. Be sure to include:
 - time the incident occurred



- a detailed description of exactly what happened
 - injuries caused by the accident
 - any treatment for injuries caused by accident including all body areas injured
2. Review and make sure all information is complete and accurate. Sign and date.
 3. Give the FROI-1 to your physician and ask that they complete their portion of the form and submit.
 4. If you received the form from your employer, do not assume your employer will file it for you. Ask for confirmation verifying submission if the employer files the form.
 5. Note that the FROI-1 is a four-page form with detailed instructions. Although you will only complete the first page, be sure you receive and review the instructions.
 6. Accuracy is essential. Errors in the FROI-1 may be used against you in a workers' compensation claim.

Did You Receive Your Ohio Bureau of Workers' Compensation Card?

Within two weeks of filing the FROI-1 you should receive a Bureau of Workers' Compensation Identification Card.



If you don't receive a Bureau of Workers' Compensation Identification Card, chances are you don't have a claim with the Ohio Bureau of Workers' Compensation.

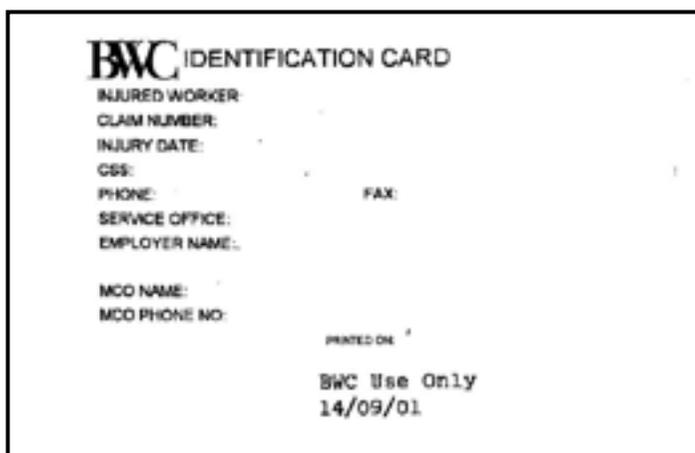
Your workers' compensation card includes your workers' compensation claim number and is needed for all treatment related to the injury (doctor visits, physical therapy, prescriptions). Your claim number is also used by the State of Ohio, Managed Care Organization (MCO) and other health care organizations to identify your claim. Think of it and protect it like you would your social security number.

The identification card will also show the case manager assigned to your claim. Your case manager should be able to let you know the status of any claim and you will need to contact him or her in case of an appeal.

Once you've received your identification card, carry it with you in a readily accessible location such as a wallet or purse as it will be needed for any claim related care.

If for some reason you do not receive a card call 1-800-OHIOBWC to be sure that the claim was properly filed.

If you don't have a card that looks like the sample below, you don't have a claim with the Ohio Bureau of Workers' Compensation!



Failure to respond to BWC inquiries can result in an unprocessed claim and loss of benefits.

An identity card alone does not mean that you are eligible to receive workers' compensation benefits. The card only means you have an active claim. The BWC can still deny the claim or it may be open to an appeal.

Step 4: Processing the Claim and the Importance of the BWC Order

Once a claim has been properly filed, the claim will be processed by the Ohio Bureau of Workers' Compensation. During this process the BWC will make a decision to either allow or disallow the claim.

As the BWC investigates the claim, they may request more information. This includes correcting any incomplete documents, obtaining proper signatures or any other problems that may prevent proper processing.

Failure to respond to BWC inquiries can result in an unprocessed claim and loss of benefits.

The BWC Order

Once your claim is processed you will receive a letter from the Ohio Bureau of Workers' Compensation, the BWC Order. On the letter you should see a large stamp diagonally across the page which reads "BWC ORDER". The order will indicate whether the claim is allowed or disallowed. This is a legal finding and will become the final order unless appealed within 14 days.



Confusion at this stage of the game is normal. It is a complicated process and hopefully it is a process you only go through once.



Seek Expert Help!

At this point in the process, the BWC Order should be reviewed by an expert. A workers' compensation attorney can interpret exactly what is being offered in the BWC Order and help you make an educated decision to either accept the order or move forward with an appeal.

Even if the claim is allowed, it may not provide complete coverage for ongoing medical expenses, underlying injuries or lost wages. If it isn't allowed, a workers' compensation attorney can help you determine why and recommend possible next steps.

Confusion at this stage of the game is normal. It is a complicated process and hopefully it is a process you only go through once. Workers' compensation attorneys specialize in helping injured workers just like you. They know how to navigate the bureaucracy of the workers compensation process. As experts, they can often recognize important elements of a case which the injured worker may miss. A good workers' compensation attorney will usually review a BWC order and recommend next steps at no expense to the injured worker.

Step 5: TAKE CONTROL OF YOUR CLAIM

If the BWC order does not provide proper coverage or you have information not accounted for that could impact the status of your claim, you need to take control of the situation by filing an appeal and/or by consulting with a workers' compensation attorney.

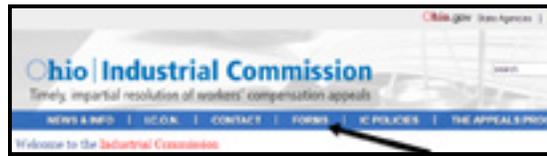
Failure to file before the appeal deadline could result in the claim being closed as disallowed.

Your BWC Order will include a time frame for submitting an appeal. If you intend to appeal, it must be done within this time frame. **Failure to file before the appeal deadline could result in a claim being closed as disallowed. If this happens, you could be forever barred from receiving benefits for this claim.**

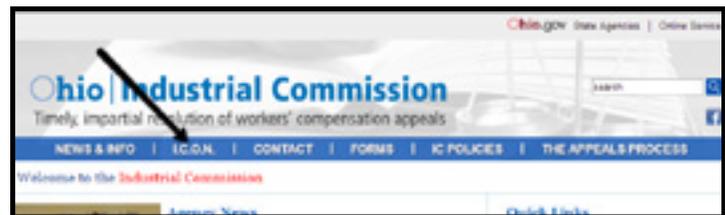
But how do I file an appeal?

There are three ways to file an appeal:

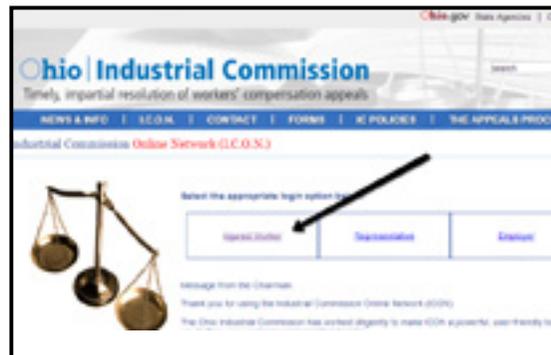
1. Go to www.ohioic.com click "I.C.O.N." then Injured Worker (direct link: <https://www.ohioic.com/icon/iwlogin.jsp>)
 - a. Follow the prompts to log into the website.



- b. If you do not have an online account enter your information under "I do not have a password" and create an online account



- c. Follow instructions provided to file an appeal



A workers' compensation attorney who knows how to properly file an appeal and who is representing your best interest can make the difference between a successful appeal and a disallowed claim.



- d. Print the Appeal form, complete and file at your local Industrial Commission or fax to the Industrial Commission.



- e. To obtain a printed form go to www.ohioic.com, "Forms"; "IC-12" Notice of Appeal and print. (Direct link: https://www.ohioic.com/forms/forms_pdfs/ic12.pdf)

2. You may also obtain an appeal form from your local BWC customer service office or Industrial Commission Customer service office. Be sure to take the BWC Order you intend to appeal as you will need information from the order in order to complete the appeal form.

This again is where a workers' compensation attorney who knows how to properly file an appeal and who is representing your best interest can make the difference between a successful appeal and a disallowed claim.

How do I to prepare for an appeal hearing

Once you've properly filed an appeal a hearing will be scheduled at the Industrial Commission. Be sure to arrive on time, prepared and dressed appropriately. Remember, this is a formal legal hearing.

Employer appeals are often filed by a third party representative, often an attorney representing the larger corporation.

Issues to be Heard

In your notice of hearing you should see a section titled "Issues to be heard" outlining the specifics of the appeal hearing. Be sure to bring all documents and pertinent information related to your claim.

This includes:

- All medical documentation related to the injury
- Any witness statements
- Copy of the original incident report if you have it
- If the issue involves wages, bring pay-stubs for the year prior to the date of injury and/or W-2 tax forms. For example, if the injury occurred in December of 2012, bring W-2 forms for both 2011 and 2012.

What to expect at the Appeal Hearing

Upon arriving for your scheduled hearing you will be called by the Hearing Officer at or around the scheduled time on your Notice of Hearing. The Hearing Officer will direct you to the proper hearing room.

People attending the appeal hearing may include:

- Your employer
- Your employer's legal representative
- A representative from the Ohio Bureau of Workers' Compensation
- The Hearing Officer.

The Hearing Officer will hear all evidence presented by all parties and either make an immediate decision "at the table" or more likely "take the matter under advisement" to be decided in the near future.



Unless you bring your own legal representation you are the only one at the table looking out for your best interests.

If the appeal is taken under advisement you will soon receive a formal order deciding your appeal. This is easy to identify as it is a legal size document on yellow paper. Upon receiving the order, you again have the option to appeal but as with the original appeal, **it must be filed within the time allotted in the order.**

Can my Employer Appeal?

Even if your appeal is successful and your claim is allowed you may not be finished yet. If your employer is not happy with outcome of the hearing they also have the right to appeal the decision.

Realize that even though your manager or other work associates may express sympathy and concern about your situation they probably aren't part of the process. Employer appeals are often filed by a third party representative, often an attorney representing the larger corporation. Your manager or supervisors may have no say in the decision to appeal your claim and may be brought in as witnesses by your employer. **Regardless, be prepared for a fight.**

If your employer does appeal, you need to be even better prepared than you were at the first appeal. Your employer is appealing because they believe that for some reason the claim is not appropriate. Expect them to arrive at the hearing with evidence, witnesses and anything else needed to prove their side of the story. Again, chances are, you are in for a fight.

This means that you also need to bring evidence, witness testimonies and anything else that will help the Hearing Officer decide in your favor.



Without an attorney, you're on your own!

Realize that **the people at an appeal hearing do not represent you**, the injured worker. Your employer or employer's legal representative is there to serve your **employer's best interests**. The Bureau of Workers' Compensation representative is there to **protect the best interest of the BWC**. It is the BWC representative's job to **protect the Bureau of Workers' Compensation fund** by ensuring that only properly documented claims are allowed and to protect the BWC from fraud.

These people are experts in workers' compensation and are only there to serve the parties they represent.

Unless you bring your own legal representation you are the only one at the table looking out for your best interests.

How Do I Hire a Workers' Compensation Attorney?

How will I pay?

Most workers' compensation attorneys work on a contingency basis. This means that there are no out of pocket expenses to the client. A workers' compensation attorney who works on contingency is paid only if the claim is successful. If the claim is disallowed, the service is usually provided at no cost to the client.

The advantage of hiring an attorney on a contingency basis is that there is no out of pocket expense to the



injured worker. A workers' compensation attorney can also help the injured worker receive benefits which they would have not received without the attorney's help.

Questions to Ask When Hiring a Workers' Compensation Attorney

Not all workers' compensation attorneys are the same. That's why it's important that you find an attorney that best fits your situation. Here are ten questions to ask when hiring a workers' compensation attorney:

1. Does the attorney focus on Ohio Workers' Compensation Issues or is workers' compensation one of many areas of practice. How long has he specialized in Ohio workers' compensation?

or is workers' compensation one of many areas of practice. How long has he specialized in Ohio workers' compensation?

2. Will the attorney work on a contingency basis and if so, how is the contingency determined? If not, how will the attorney be paid?

3. Will the attorney take a percentage of ongoing benefits?

4. Will the attorney work with you throughout the entire life of the claim or is there a set time limit?

5. Does the attorney charge for help with individual hearings? Is there a limit to the number of hearings he will attend on your behalf?

6. Will you work with the same attorney through the life of your claim or will you work with an assistant or a number of different attorneys?



Need Help With Your Workers' Compensation Claim?

Have you been injured at work? Are you lost in the bureaucracy of the workers' compensation process? Do you need someone sitting on your side of the table?

Gardner law can help you through the workers compensation process and guide you to a successful claim. For a free review of your claim and a personal analysis of your situation, contact **James Gardner** today at **330-535-5757** or email James at Gardnerlaw@sbcglobal.net.

