



Your Workers' Compensation Case is Denied

By Robert Vonada, Esq.

Robert Vonada is a Workers' Compensation Judge for Blair, Bedford, Centre and Huntingdon Counties

Many people hurt on the job do not apply for other benefits they may receive because "it's a workers' compensation injury" and "workers' compensation should pay." There are many reasons workers' compensation claims are denied. Other benefits should be applied for immediately. Benefits received while a workers' compensation case is pending can be reimbursed if you are granted benefits.

In Pennsylvania, every employer is required to carry workers' compensation insurance for work injuries. Injured workers receive a percentage of their pre-injury wages, and medical expenses related to the injury are paid. The injury should be reported to the employer as soon as possible. Your claim will be filed by your employer, or you can file a claim directly with the Bureau of Workers' Compensation. The Bureau of Workers' Compensation Help Line is available for employees at 1-800-482-2383.

When a claim is denied, the injured worker must prove his or her case to the workers' compensation judge. Private attorneys handle these cases for a percentage of the benefits that are awarded. In the last year,

these claims were decided in an average of 9.2 months.

An injured worker may be entitled to collect benefits from many sources during the nine months or more that it will take to receive a decision. These include:

- ◆ Private health care insurance
- ◆ Pennsylvania CareerLink (Job Center) services
- ◆ Pennsylvania Office of Vocational Rehabilitation services
- ◆ Pennsylvania Unemployment Compensation benefits
- ◆ United State Social Security Administration benefits
- ◆ Pennsylvania Department of Public Welfare medical and/or cash benefits.

All of the government agencies can be found in the government section of the phone book. Each will conduct a free interview or consultation if you are eligible for their services.

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Private health care insurance (Blue Cross/Blue Shield, Geisinger, etc.) or the Department of Public Welfare will pay eligible medical bills. If workers' compensation benefits are awarded, the workers' compensation insurance company will pay the bills back, and the workers' compensation insurance company will pay to you co-pays and out-of-pocket costs, such as prescriptions.

If you are able to do some work, you may want to change jobs. The Pennsylvania CareerLink Office and Office of Vocational Rehabilitation will help you perform work you are able to do regardless of your injury.

The Pennsylvania Unemployment Compensation Bureau, the Department of

Public Welfare and the Social Security Administration provide cash benefits if you cannot work. In most cases the benefits you receive will be deducted from past due workers' compensation benefits the workers' compensation judge awards.

If you are successful in your workers' compensation case, the workers' compensation judge will include reimbursements that are due in the workers' compensation judge's order. You benefit by receiving medical treatment and cash to replace lost wages when you need it.

All statements and comments are purely those of the author and are not to be attributed to the Department of Labor and Industry and/or the Bureau of Workers' Compensation..

Unemployment Compensation

By Susan M. Michalik, Esq.

Susan Michalik is an attorney with MidPenn Legal Services

Unemployment Compensation is a benefit available for people not working through no fault of their own. In order to collect unemployment compensation benefits you must be able to work (not ill or totally disabled) and be available to be called to suitable work. If you do not understand any of these terms, check with the Unemployment Compensation Service Center.

You must meet two general eligibility requirements to be eligible for unemployment compensation.

1. You must be financially eligible by having earned enough wages

AND

2. The reason you are not working now must be through no fault of your own

You will receive a notice from the Unemployment Compensation Service Center as to whether you meet each of these requirements.

If you are denied unemployment compensation, it is best to consult an attorney immediately since the time limits in unemployment compensation cases are short.

Pennsylvania Human Relations Act

By Janine Gismondi, Esq.

Janine Gismondi is an attorney with the State College, Pa law firm of McQuaide Blasko.

The Pennsylvania Human Relations Act (PHRA) is a statute that prohibits discrimination based on race, sex, age, disability, relation or national origin. It applies to many types of organizations, including companies with four or more employees, property owners, banks, restaurants, stores, schools and government facilities. By prohibiting discrimination the PHRA makes it illegal to deny a person a benefit such as a job or access to services, as a direct result of their race, sex, age, etc. It does not prohibit decisions based on other factors. Also, it does not prohibit a business from making unfair or harsh decisions, as long as they are not based on race, sex, age, etc. Decisions that are based on any of these protected categories, however, violate the law and entitle the victim to appropriate relief.

The PHRA is enforced by the Pennsylvania Human Relations Commission, a state agency with offices in Harrisburg, Pittsburgh and Philadelphia. Persons who believe they have been victims of unlawful discrimination can file a complaint with the Commission. It is not necessary to be represented by an attorney in order to do this. Commission employees are available to help with preparation of the complaint and to provide other assistance. It is essential that the complaint be filed as soon as possible after the discriminatory event occurs. Failure to file a complaint within 180 days can constitute a waiver of the right to file a claim or seek redress.

Once a complaint is received by the Commission, it will notify the business against whom the complaint is filed and will require the company to respond to the charges. The Commission can also require the company to produce records and provide witness statements and other information that is relevant to the complaint. If the

Commission concludes that unlawful discrimination has occurred, it can attempt to negotiate a resolution that is agreeable to both parties. The resolution can include a broad range of remedies designed to compensate for the particular type of discrimination that occurred. Depending on the specific circumstances, the resolution can include reinstatement to a job, access to housing, lost wages or other out-of-pocket losses.

If the Commission is unable to reach a settlement that is satisfactory to both parties, it will notify the complaining party of his/her right to file a lawsuit in court based on the alleged discrimination. Filing and pursuing a legal action in court is generally a complicated and lengthy process that requires representation by legal counsel. In order to succeed in a court case, the person alleging discrimination must be able to prove that he/she was treated differently from other individuals as a direct result of race, sex, age, etc. If the complaining party is able to meet this burden of proof, the court has broad powers to create a remedy that adequately compensates the victim. In addition to the types of remedies mentioned above, the court can also require the losing party to pay the legal fees of the discrimination victim and can award monetary damages for items such as embarrassment and emotional distress.

Persons who believe they may have been victims of unlawful discrimination should contact the nearest office of the Pennsylvania Human Relations Commission. The Commission's Harrisburg office is located at 2971-E North 7th Street, Harrisburg, PA 17110 and can be reached at 717/787-9780. The Pittsburgh office is located at 11th Floor, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222 and can be reached at 412/565-5395.

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Lebanon, PA 17402
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Keynotes is general information and not specific legal advice. If you have a specific legal problem, you should consult an attorney.

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