

Top 10 Mistakes Made by Virginia Workers Compensation Claimants

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I have compiled a list of mistakes that claimants make in Virginia Workers Compensation Cases. These are the ones people should avoid.

1. The mistake that can easily get your claim denied is to fail to report your accident promptly to your employer when you are injured. Also, you must report a "specific incident" and not just my back is hurting. Many employers have a policy that an accident should be reported immediately after it happens. If you don't report, you run the risk the employer will say it never happened.
2. The next mistake is to fail to give your doctor a clear history regarding how the accident happened. If the doctor's report does not contain a clear history, then the insurance company may well conclude the accident did not cause your problem.
3. A failure to obtain medical treatment immediately is an all too common mistake. If you don't go to the doctor, why should anyone think you have a problem.
4. The insurance company will call you soon after the accident to take a recorded statement. The purpose of the statement is to lock in your testimony so it cannot be changed at a later date. Thus, it is advisable to contact an experienced workers compensation attorney before giving this statement.
5. A failure to list "all injuries" incurred in the accident on the insurance company agreement forms or on the claim for benefits can be a problem. This is especially true for example if one lists the injury as an "arm injury" when it really is a "neck injury." The Virginia Workers Compensation Commission has held in the past that an "arm injury" does not include a "neck injury."
6. Representing yourself at a Workers Compensation Hearing. Some people represent themselves over a dispute regarding their claim. This can be a fatal error since the insurance company will be represented by an attorney. Once you do the hearing the record is closed and you cannot add "new evidence" later.
7. A failure to cooperate with vocational placement after you are released to light duty work. This can be grounds for termination of your compensation.
8. A failure to go to medical appointments. This can be grounds for termination of your compensation.
9. Settling your case on your own. If you surrender a claim for 500 weeks of possible benefits and lifetime medical care for your injury, you should know the settlement is all you will ever receive for your injury and depending on your situation, it may not be the wise thing to do.
10. Failure to consult with an experienced Workers' Compensation Attorney. Attorneys specialize so it may not be enough to consult with just "an attorney" it is best to consult with a specialist in workers compensation law.

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