

The Flow of a Virginia Workers' Compensation Claim

Many people believe that if their Employer or Claims Administrator accepts their claim and pays workers' compensation benefits, they are covered by the Virginia Workers' Compensation Act. **This may not be TRUE!**

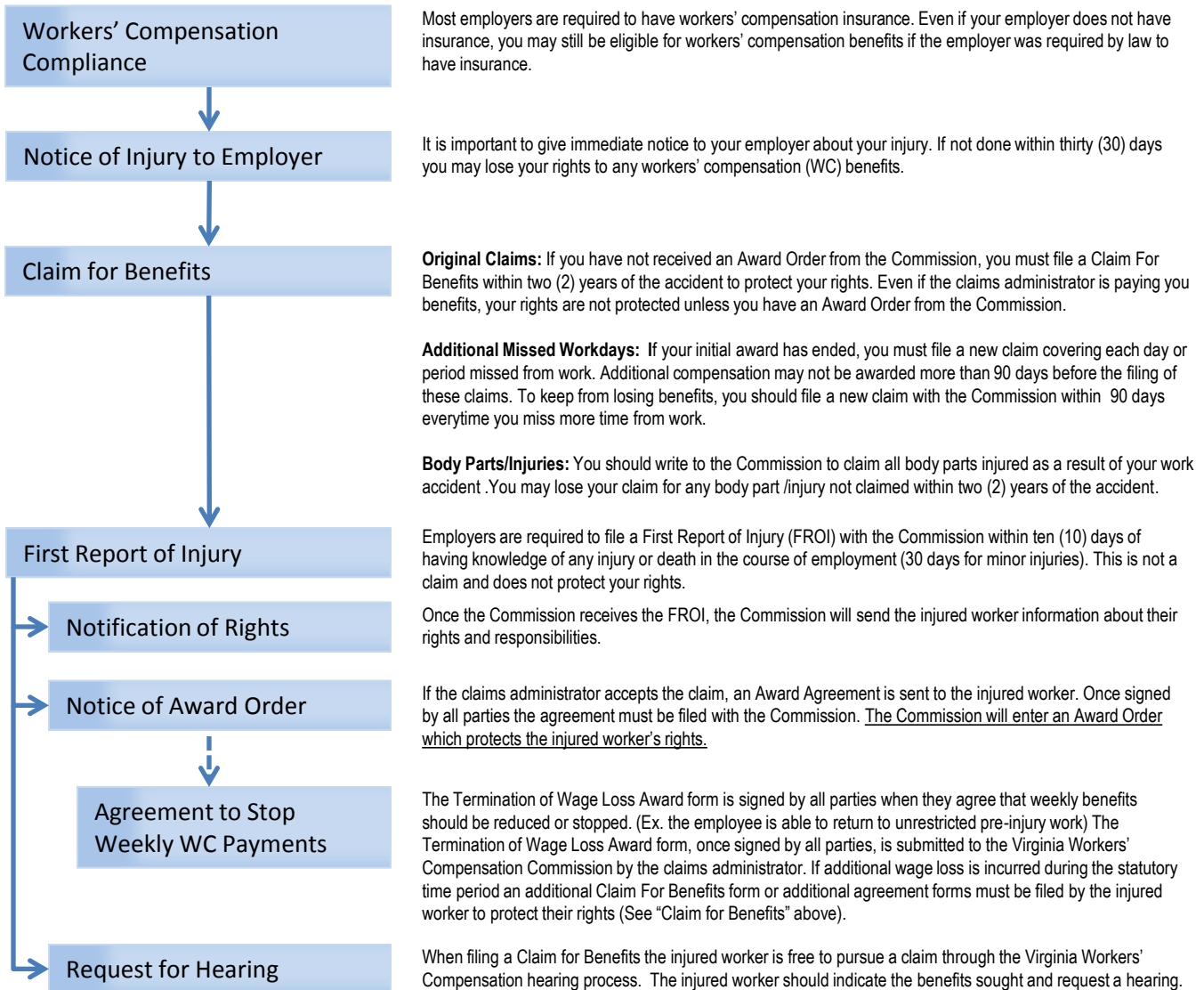
To protect your rights under the Virginia Workers' Compensation Act, you must file a claim with the Workers' Compensation Commission (not just your employer) within two (2) years from the date of your accident unless the Commission has already entered an Award.

If you have received an Award for wage replacement benefits, but that Award ended, and you again become disabled and want additional wage replacement benefits, you must file a new claim for these additional benefits with the Commission within certain time deadlines.

You may lose your right to some or all of your additional benefits if you do not file your claim within the time deadlines. If you are not sure you have an Award or need additional information regarding the filing process please contact the Commission at 1-877-664-2566.

If you are claiming benefits for an occupational disease, you must file a claim with the Commission within two (2) years from when the doctor tells you that you have a work-related disease. Other time limits may apply.

Diagram of the flow of an Injured Worker Claim through the Commission



See the "Flow of a Disputed Virginia Workers' Compensation Claim" on the next page.

The Flow of a Disputed Virginia Workers' Compensation Claim (**Hearing Process**)

Most employers are required to carry workers' compensation (WC) insurance to cover employees for accidents and injuries on the job. If the employer disputes the claim and refuses to pay the benefits, the injured worker can request a hearing before a judge with the Virginia Workers' Compensation Commission.

A hearing before a workers' compensation judge (Deputy Commissioner) is a formal proceeding similar to a court hearing. Testimony is taken under oath and witnesses can be cross-examined. The judge will issue a written decision within a few weeks of the hearing. If you disagree with this decision, you can appeal to the Full Commission. The employer can appeal if the decision is in your favor.

In most cases, the injured worker has the burden of proving his or her case. The hearing before the judge is your chance to provide medical support for your claim, so you should bring letters, reports, and records from your treating doctors to support your claim. You must provide medical excuses for any time you claim you were disabled as well as medical opinions on the cause of your disability. If your doctor will not provide records to you, you may request that the Commission issue a subpoena for those records.

You do not have to hire an attorney to represent you at the hearing, but many injured workers do. The Commission does not assist injured workers in finding attorneys. The employer and Claims Administrator will be represented by a lawyer. You can hire your own attorney, and the Commission must approve the fee.

If you need additional information regarding the hearing process please contact the Commission at 1-877-664-2566.

Diagram of the flow of a disputed Injured Worker Claim through the Hearing Process

