

Workers Compensation Basics By M. Scott Tashjy, Esq.

Work related accidents can cause significant emotional, physical and financial problems for the injured employee. New Jersey's Workers' Compensation Act is designed to relieve the hardship of workplace accidents by providing an injured employee with medical care, partial replacement of lost wages on a temporary basis and a monetary award if the overall effects of the injury have left the injured worker with some type of permanent functional impairment. M. Scott Tashjy, Esq. at The Tashjy Law Firm, L.L.C. will take you step by step through this process, so that you understand the process and are on an even playing field with the insurance company and you can protect yourself and your family.

The employer should compensate you for a work related injury without proof of fault and regardless of any contributory negligence by you. If you are injured you can receive compensation benefits for both specific traumatic injuries, such as a broken arm, as well as for what are called "occupational related" diseases, such as carpal tunnel syndrome, if they arose out of and in the course of employment. Mr. Tashjy will make sure that you receive every benefit to which you are entitled under the law.

When you are injured, the first benefit that Mr. Tashjy will be sure that you receive is the medical treatment benefit. The employer is required to furnish medical, surgical and other treatment and hospital services necessary to cure and relieve the effects of the injury. The employer must cover the total cost of medication and medical treatment that has been prescribed by an authorized doctor for treatment of the injury. The "hook" in this process is that the employer alone is allowed to select the doctors who will provide and oversee the necessary and related treatment from your work related injury. Mr. Tashjy will make sure that you are sent to the appropriate doctors for the type of injury that you sustained.

Another benefit to which you are entitled is a wage replacement benefit called temporary disability compensation. This benefit is mandatory when a treating doctor, authorized by the employer or its workers' compensation insurance carrier, has removed you from work for a period of time while medical treatment is being provided for the work related injury. Mr. Tashjy will make sure that you receive the Temporary disability compensation benefits when you are injured and unable to work for more than seven days (not consecutive, but in total) following the accident. Once the eighth day of the lost time has been reached, you are compensated from the first day that you became unable to work. Temporary disability compensation benefits continue to be paid until either you return to or until you reach the maximum benefit from the medical treatment being provided. The weekly temporary disability compensation rate payable that you are entitled to is an amount equal to 70 percent of your gross weekly wages received at the time of the accident or the maximum of 75 percent of the statewide average weekly wages, whichever is less. Mr. Tashjy will make sure that you are receiving to correct amount of temporary disability compensation.

Finally, you may be entitled to a benefit is known as permanent disability. A worker who can prove that a work related injury has left him or her with some type of permanent functional impairment disability is entitled to a monetary award based on the extent of disability sustained. Mr. Tashjy will work to prove that as a result of the injury that you sustained at work, you have suffered a material lessening of the working ability or, that the injury restricts you in performing the regular activities of your life.

The determination regarding whether there has been a permanent disability and the extent thereof, is made after the medical treatment has concluded. At that time, Mr. Tashjy will schedule you for a final medical evaluation, by a medical expert who specializes in the field of medicine covering the specific work related injuries that you sustained. The insurance company will do the same. These doctors review the medical records and conduct a physical examination of you and then the doctors prepare a report containing their estimates of permanent functional disability. Mr. Tashjy will then take your case before the Court to fight to win the highest possible award for you. Once the award is entered by the Court, from that time, and continuing until two years after the date of the last award payment (date of the final check) you will have the right to pursue the re-opening of your claim for additional medical treatment or monetary benefits if it can be demonstrated objectively that the condition has significantly worsened. After the initial award, Mr. Tashjy will continue to fight for your benefits and to make sure that every right that is available to you under the Workers' Compensation Act, is protected.

Payments received by way of temporary disability compensation and or permanent partial or total disability compensation are not subject to federal or state taxes. Mr. Tashjy will make sure that the party responsible for the payments of those benefits to you, understands this, so that you are sure to receive every dollar to which you are entitled so that you can best protect yourself and your family.

Please contact Mr. Tashjy at any time with questions at 732-292-3131 or scott@tashjylaw.com.