

Workers compensation

Workers' compensation is a benefit required under Massachusetts law, Chapter 152.

Work injuries are the worst. Not only do you have to deal with the physical effects of your injury, but you're also more than likely facing serious financial strain because you're unable to earn a living while you recover. Your bills aren't going to pay themselves, and with medical expenses quickly adding up, you could find yourself in quite a precarious situation.

People who are injured on the job have the right to collect compensation. However, this does not mean they have the right to sue their employers in court.

Instead, all employers are required under Massachusetts law to obtain a workers' compensation insurance policy. These policies pay the medical costs associated with treating the injury, can provide benefits to employees who miss at least five days of work, and in some situations even provide vocational rehabilitation.

Unfortunately, insurance companies sometimes try to find any excuse possible to deny a claim and save money. This can include arguing that an injury was not work-related or that the injury preexisted the employee's time on the job.

Benefits: Lost Wages, Disability, Medical Costs

The intent of workers' compensation is to provide a means for injured workers and/or their families to collect weekly wage loss benefits for total and partial disability, medical costs, vocational re-retraining expenses, death benefits, funeral costs and other costs associated with being injured on the job.

Types of Benefits: Type of benefits to which a worker is entitled will depend heavily on the extent of injuries.

- 1. Partial Disability Benefits.** These benefits are available to workers who have been injured and, as a result, are limited in the amount or type of work they can perform. The law allows workers to collect 60 percent of wages he or she would have earned but for injury, or 60 percent of what he or she lost as a result of the accident. These benefits are paid weekly.
- 2. Disfigurement and/or Loss of Function.** These benefits are paid when a worker is disfigured or loses function of a body part. This could mean anything from a permanent scar on one's face or neck to a person who has lost function of an arm, leg, eye or other body parts.

3. **Total Disability Benefits.** This type of benefit is available to workers who cannot perform work as a result of their work injury. Workers who receive total disability benefits may retain 60 percent of their average weekly pay (with a max amount capped by state law). That weekly amount is determined by averaging what the worker earned in the 52 weeks prior to the injury. Workers can receive total disability benefits for up to three years.
4. **Total and Permanent Disability Benefits.** State law allows an employee unable to work for an extended time due to a work injury to receive total and permanent disability benefits. This will allow a worker to receive up to 60 percent of weekly pay, as well as an offset for the increase in living expenses due to injury. These type of benefits may be paid throughout the remainder of the worker's life.
5. **Death Benefits.** These are benefits available to surviving spouse and/or children of a worker who died as a result of a work-related injury or illness. Here again, the recovery amount is 60 percent of the average weekly wage. There may be other benefits available under this provision as well (i.e., funeral expenses, medical costs, etc.) depending on the circumstances.

SSI and SSDI claims

Social Security Disability Insurance (SSDI) benefits are intended to assist people who are not able to work or support themselves due to a disability. This benefit program is run by the Social Security Administration (SSA), and in order to be entitled to SSD benefits, a person has to have worked for a sufficient number of years and paid sufficient Social Security taxes.

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) are separate programs that share the same purpose: they are both intended to help people who are unable to work or support themselves due to a disability. Both programs, SSDI and SSI, are run by the Social Security Administration (SSA), and are similar in other respects as well. The claims process is the same. The appeals process is the same. The basic age requirements and having a disability that will prevent you from doing any work for at least one year are the same as well.

Eligibility -

If you are no longer able to work due to mental illness, back pain, or another disability or medical condition, an experienced SSD benefits lawyer can help to determine your eligibility to receive Social Security Disability benefits and provide vigorous legal representation. For Social Security, you have to be totally disabled and you have to have been out of work for one year or prove that your disability is likely to last for at least one year. If your disability is partly due to a job-related accident or illness, we will file for both workers' compensation and Social Security.

Short Term: A short-term disability is ordinarily considered a disability lasting as long as 26 weeks

Long Term:

Financial relief for a long-term disability may come about through pensions (union pensions, employer pensions or municipal pensions), private long-term disability or long-term care insurance (if applicable), and/or Social Security Disability (SSD). Understanding how other sources of relief interplay with SSD benefits is a critical topic of conversation for you and your SSD attorney.

Determining how any available private insurance funding and a claim for Social Security Disability will impact each other is key. Knowing what your opportunities are and what you are required to do, timing your applications to your advantage and managing your claims all have to do with the ultimate outcome of your case. For example, as you communicate with a long-term disability carrier, it is important to know whether attorneys' fees are included in reimbursement that you are entitled to.

Common myths;

Many disabled workers have friends and relatives who give them advice about how to win--and lose--Social Security Disability benefits. While these friends and relatives are trying to help, they often have misinformation that convinces someone not to file for benefits. Often, that is a tragic error, because there are many things you can do, if you are disabled, that will not in themselves cause you to lose your case.

For instance, you can actually attempt to return to work--if you can't handle the work in under three months, you are still entitled to benefits. Trying to get whatever enjoyment you can from life, despite your pain and limitations, will not keep you from getting benefits. You can spend time with your family and friends, you can take a small trip from time to time, or go to the movies or a concert. Doing light housework or exercise will not hurt your case. If you are religious, taking comfort by going to church will not hurt your case. In addition, you are not required to stay with your doctor if you become unhappy with his or her treatment.

Just because you are disabled from work does not mean that you are housebound 24/7. It is important that when your friends and family give you advice about Social Security Disability, you check that advice with an experienced attorney.