

Frequently Asked Questions

The World of Workers' Compensation

1. I hurt myself at work - what is the first thing I need to do with a Maryland accident?

First, don't be afraid to advise your supervisor immediately and follow up in writing with email, text, and any required forms from work. Keep asking until all forms complete. Maryland does have notice requirements and an employee claim form should be filed with the Workers' Compensation Commission in Baltimore as soon as possible, preferably within 60 days and no later than two years from the date of an accident. Occupational disease and death claims have separate time limitations. Attorneys should be consulted.

2. Would I have to pay up front to have an attorney represent me in a workers' compensation claim?

No. Attorney's fees are regulated in Maryland. Never pay an attorney upfront. In fact, an attorney will only be paid by the workers' compensation carrier/insurance company after a written Order is issued by the Commission. There is a scale and a cap, and usually payment is out of an award to the claimant and usually never over twenty percent of that award.

3. Will I be fired for filing a claim form with the Commission?

Many folks ask that question and have the wrong idea. It is actually a statutory offense for someone to fire an employee based on the actual filing of a workers' compensation claim itself. However, that doesn't mean that employers do not have other legitimate reasons for layoffs and terminations.

The important and best practice is to file the claim as soon as possible. Otherwise you have no protections. If left not filed, and then you are terminated anyway, filing a claim after the fact will look like a retaliatory filing.

4. Is filing a workers' compensation claim the same as suing my employer?

No. Generally, an employee in Maryland cannot sue his or her employer in that situation and workers' compensation is the remedy. There are a few exceptions.

When you file a workers' compensation claim, you are filing under insurance that the employer was mandated to have already paid premiums required under the State of Maryland, and is not a lawsuit.

5. Is filing for workers' compensation benefits the same as filing for disability retirement or social security disability?

No, these are all their own separate benefits and come from different entities. Be very careful and consult counsel because you may be entitled to apply for all of the benefits but there is an interplay between them causing offsets and credits. Also, one type of benefit may need to be filed before others and they all have different time limitations.

6. What types of benefits are available once I win or have a perfected workers' compensation case?

There are so many different types of benefits available and an attorney can guide you through the steps and opportunities. For example, you may receive temporary payments while you are off work per doctor's orders. Furthermore, you have a right to the doctor of your choice, medications, treatments,



and rehabilitation, both medical and vocational. Usually the requests will be authorized first. If an issue arises, either party can request a hearing for a Workers' Compensation Commissioner to decide and make a ruling.

Other benefits include permanent partial or total disability, and potential lump sum settlements. Since handling of all these issues can get complicated, an advocate, an attorney can make the path easier to understand and to know which avenue is best for your particular case.

7. What if I already had a preexisting condition, like back surgery and then aggravate it with a fall at work? Am I able to still file for workers' compensation?

Actually yes. In Maryland, if an accidental injury aggravates a preexisting accident, then it will be covered. When you finish treatment, if you remain with more damages than you previously had, that portion of new injury is the employer's responsibility. However, the Subsequent Injury Fund, depending on the extent of injury, may be responsible for the injury you had before the new incident at work if the combination of the injuries meets the threshold. Consult an attorney because qualifications are tricky and this will not necessarily apply to occupational diseases.

8. I have a hazardous job. If I have a fatal accident, can my dependents file a claim?

The answer is yes. However, the dependency statute has changed and evolved over time. Each dependent should secure advice of counsel. There are also time limitations and specific proof required.

9. Is Carpal Tunnel due to a repetitive hand injury still covered under Maryland workers' compensation?

Yes, but there are requirements. A specialist hand orthopedist should be seen and consulted. Since there are time limitations and issues of causation, seek counsel.

10. I sustained an injury on the job, but my employer is telling me he has no insurance. Now what do I do?

Please do not ignore your claim. Maryland has the Uninsured Employer's Fund to handle these claims for you, and then goes after the employer for penalties and reimbursements. You, as the injured employee, do not have to worry about that portion. Just file the claim and get an attorney to implead the UEF fund for you. A hearing will be necessary.

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