



# What to Expect When You File a Claim



Workers' compensation pays for health care to treat an injury or illness you suffer related to your employment. It also pays you a benefit for lost wages.

## IF YOU WERE HURT AT WORK

1. Seek medical care immediately. Advise your health care provider(s) that you have a work-related injury.
2. Tell your employer, in writing, when, where and how you were injured. Do this within 30 days of injury.
3. File an **Employee Claim (Form C-3)** reporting your injury/illness to the Workers' Compensation Board (Board) as soon as possible. Please note, a claim must be filed within two years of your injury/illness. Even though your employer must also report the incident, it is helpful for you to report it as well. If you injured the same body part before, or had a similar injury, you must also file a **Limited Release of Health Information (Form C-3.3)**.

## FILING AN EMPLOYEE CLAIM (FORM C-3)

Visit [wcb.ny.gov](http://wcb.ny.gov) and select **File a Claim**.

Complete a paper **Form C-3** — available from employers and Workers' Compensation Board offices, and at [wcb.ny.gov](http://wcb.ny.gov) — then mail it to the Board at:  
NYS Workers' Compensation Board  
PO Box 5205  
Binghamton, NY 13902-5205

Call **(877) 632-4996** if you need assistance filing a claim.

## HEALTH CARE

Generally, you can use any health care provider authorized by the Board, including the NYS Occupational Health Clinic Network. If the employer has a preferred provider organization (PPO) network for workers' compensation medical care, you must receive your initial treatment in the PPO network.

If that insurer also has a pharmacy or diagnostic test network, you must receive services within those networks. The insurer must tell you about its required provider networks and how to use them.

Do not pay out-of-pocket for workers' compensation treatment, medication or prescribed equipment. The workers' compensation insurer pays these bills unless you don't pursue the claim or the Board decides this isn't a valid claim. In that case, you must pay the providers (or submit the bills to your regular health insurer). You can search for an authorized health care provider on the Board's website, [wcb.ny.gov](http://wcb.ny.gov). If you have issues with your care or need help finding an authorized health care provider, call the Board's **Office of the Medical Director, (800) 781-2362**.

## TRAVEL AND OTHER EXPENSES

You may be reimbursed for mileage, public transportation or other necessary expenses incurred when traveling for treatment. Submit receipts for those expenses at least every six months to the Board and to the insurer on **Claimant's Record of Medical and Travel Expenses and Request for Reimbursement (Form C-257)**, found on the Board's website.

## BENEFITS FOR LOST WAGES

The insurer must promptly pay you lost wage benefits if your injury:

- Prevents you from working for more than seven days.
- Causes part of your body to be permanently disabled.
- Results in reduced pay because you now must work fewer hours or do different work than prior to your injury.

## IF A HEARING OCCURS

Benefits are frequently paid automatically. However, sometimes hearings are needed to resolve issues. If a hearing is needed, you'll receive a notice from the Board advising you of the reason, location, date and time of the hearing. It's important to review all mail you receive from the Board and respond in the manner directed. Keep copies for your records.

You have the right to an attorney or licensed representative at any point in your claim. Counsel may be helpful in disputed and complex cases and can answer your claim questions. That person may not ask for or take a fee from you. The Board determines the fee for legal services and that fee is deducted from your lost wage award.

Attend your hearings and understand what is happening. If you have questions, ask your legal counsel or the judge. You can also attend your hearing by phone. If you cannot make a hearing, contact the Board as soon as possible to reschedule it.

## IF YOUR CLAIM IS DISPUTED

Occasionally, insurers dispute claims. The insurer may not agree that you had a work-related injury, or assert that it didn't insure your employer, or give another reason. If your claim is disputed, the Board will hold a hearing. A workers' compensation law judge will review your medical records, wages, and other evidence and testimony. The judge will then decide the issue and determine any benefit award.

You or your employer's insurer may appeal that decision, in writing, within 30 days of the filing date. Three Board members review the appeal and will agree, change it or reject it. They may also ask for more hearings.

If your case is disputed, you may apply to receive disability benefits while the case is heard. To apply for disability benefits you will need to submit a **Notice and Proof of Claim for Disability Benefits (Form DB-450)** available on the Board's website. You may also call the Board for assistance, or visit a Board office. If the workers' compensation claim is resolved in your favor, the disability benefits are deducted from your lost wages award.

## A TIMELINE FOR YOUR CLAIM

**Medical treatment:** Get medical care immediately. See your doctor 15 days after the injury and then every 90 days if you have ongoing lost time.

**Wage replacement:** If you are disabled, and your case is accepted, you will be paid within 18 days of the accident or 10 days from when the carrier was informed. If your case is disputed, you will have a hearing to determine your claim.

## LANGUAGE ASSISTANCE

The Board will translate documents into any language you need. It will also provide an interpreter for your hearing, always at no cost to you. Please call **(877) 632-4996** to arrange translation or interpretation.

## HELP IS AVAILABLE

Sometimes you need help getting back to work. Your employer may have alternate or light duty assignments so you can work while you heal. If you are experiencing family or financial problems as a result of your injury, or want guidance on returning to work, the Board has return-to-work counselors and social workers who can help. Call the Board to learn about these services.

**Visit:** [wcb.ny.gov](http://wcb.ny.gov)

**Call:** (877) 632-4996

**Email:** [General\\_Information@wcb.ny.gov](mailto:General_Information@wcb.ny.gov)

The New York State Workers' Compensation Board protects the rights of employees and employers by ensuring the proper delivery of benefits to those who are injured or ill, and by promoting compliance with the law. To learn more about the Workers' Compensation Board, visit [wcb.ny.gov](http://wcb.ny.gov).

