



# Your workers' compensation benefits



**Workers' Compensation Board**

Workers' compensation pays for health care to treat a work-related injury or illness. It also pays you a benefit for lost wages.

## IF YOU WERE INJURED OR BECAME ILL DUE TO YOUR JOB

1. Seek medical care immediately. Advise your health care provider(s) that you have a work-related injury or illness.
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)**.

### File a claim

**FASTEST:** Visit [wcb.ny.gov](http://wcb.ny.gov), select "File a Claim," and complete the web version of the **Employee Claim (Form C-3)** to submit the form online.

If you have questions about filing a **Form C-3**, please call **(877) 632-4996** and a Workers' Compensation Board representative will assist you.

## HEALTH CARE

Generally, you can use any health care provider authorized by the Board, including the NYS Occupational Health Clinic Network. This includes Board-authorized physicians, nurse practitioners, and physician assistants

and/or specialists such as psychologists, podiatrists, chiropractors, physical therapists, occupational therapists, acupuncturists, and licensed clinical social workers. If your employer's insurer (or employer if self-insured) 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 testing 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 it 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 a Board-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 **Medical Director's Office** at **(800) 781-2362**.

## TRAVEL AND OTHER EXPENSES

You may be reimbursed for mileage, public transportation, or other necessary expenses incurred when traveling for treatment or independent medical examinations. Submit receipts for those expenses at least every six months to the Board and to the insurer using the **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 or illness:

- 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, 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.

It is important to attend your hearings and understand what is happening. If you have questions, ask your legal representative or the judge if you are unrepresented. You can attend your hearing online using virtual hearings, or you can attend by phone. See your hearing notice for instructions.

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 illness, 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 wage 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, your case is accepted, and you missed more than seven days of work, you will be paid within 18 days of the accident or 10 days from when the insurer was informed. If your case is disputed, you will have a hearing to determine your claim. On average, a hearing will be scheduled 28 days from the date that the claim was disputed.

## LANGUAGE ASSISTANCE

The Board will translate documents into any language you need. It will also provide an interpreter for your hearing, at no cost to you. Please call **(877) 632-4996** to arrange translation or interpretation. If you are using virtual hearings, you also have the option of requesting an interpreter during the check-in process.

## HELP IS AVAILABLE

If you are having difficulty with your claim, the Board's **Advocate for Injured Workers** can assist you. If you need help getting back to work, your employer may have alternate or light duty assignments so you can work while you heal. The Board's vocational rehabilitation counselors can also assist you. If you are experiencing family or financial problems as a result of your injury, the Board has licensed master social workers who can help. Call the Board to learn about these services, or visit [wcb.ny.gov/returntowork/](http://wcb.ny.gov/returntowork/).