



Workers'
Compensation
Board

ADVOCATE FOR INJURED WORKERS



The Office of the Advocate for Injured Workers offers a unique service to assist workers who are injured or made ill on the job in New York State. The Advocate's staff provides guidance and information to injured workers to enable them to protect their rights in the workers' compensation system.

The system can be complex, but help is available. Call the Advocate's office at **877-632-4996** or email advinjwkr@wcb.ny.gov. The Advocate will give you straight answers about:

- How to file a claim
- What to do in the event of death
- Which forms are used
- Who is covered
- Disputed claims
- Hearing and appeal rights
- Timely filing
- Record keeping
- Your role in your medical treatment
- What medical benefits are available
- What vocational rehabilitation and social work services are available

The ombudsman in the Office of the Advocate investigates complaints from injured workers on issues they experience in the workers' compensation system and will attempt to resolve them.

If you are injured or made ill on the job

When a workplace incident occurs:

- Seek medical treatment as soon as possible.
- Report the injury to your employer in writing within 30 days after the date of the incident.
- File a claim with the NYS Workers' Compensation Board (Board) within two years of the date of your injury. However, it is best to file as soon as possible.

If you are diagnosed with a **work-related illness** or **occupational disease**, you should seek necessary medical treatment as soon as possible.

Workers' compensation claims for an occupational disease must be filed within two years of when you become disabled, or two years from the date you knew or were told by a health care provider that the condition was work related.

Workers' compensation fraud is a Class E felony, punishable by up to four years imprisonment and a \$5,000 fine.

Medical care

All approved medical care for your established injury or illness is paid by your employer's insurer. This care is covered whether or not you lose time from work. Medical care is also a lifetime benefit, so your claim will always remain open for future medical treatment.

Health care providers must be authorized by the Board. You can find authorized health care providers listed at wcb.ny.gov/find-a-provider or by calling the Medical Director's Office at **(800) 781-2362**. You can receive care from any of these providers or from your own doctor if they are authorized.

Lost wage benefits

Workers' compensation lost wage benefits are payable based on proper medical documentation from a treating health care provider. Benefits are paid at up to two-thirds of your average weekly wage, based on your wages for the 52 weeks prior to the incident date. Payment will not exceed the maximum benefit amount allowed by law.


The maximum benefit amount is based on the New York State Average Weekly Wage (NYSAWW), which adjusts every July 1. **Your lost wage benefit amount is based on the NYSAWW for the year you were injured** — it does not increase with yearly NYSAWW increases.

If you were working more than one job at the time of your injury or illness, that may be considered "concurrent employment." In this case, wages from each job should be reported to the Board. If it is "concurrent employment," the wages are totaled to determine your average weekly wage.

Filing a claim

FASTEST: Visit wcb.ny.gov/file-claim, and complete the online **Employee Claim (Form C-3)**.

If you prefer, you may file a paper version of **Form C-3**, which you can find at wcb.ny.gov/forms.

 You have two years after an incident to file **Form C-3**.

Questions about your claim?

Call (877) 632-4996

You will be asked for the following information when you call:

- Your name
- Your WCB Case ID, if filed
- Telephone number (with area code) where you can be reached
- Brief description of the issue and any correspondence received

Did you know that you can attend virtual hearings and upload/view case documents online?

Visit wcb.ny.gov/iwtoolkit for more information.

The Office of the Advocate for Injured Workers offers presentations on workers' compensation issues that are important to workers, labor unions, COSH groups, workers' advocate groups, and employers.

To schedule an educational session, email advinjwkr@wcb.ny.gov.

Join one of our upcoming educational webinars, and get your questions answered! Visit wcb.ny.gov/webinars to register. You can also check out one of our recorded webinars for workers at wcb.ny.gov/recorded-webinars.

The New York State Workers' Compensation Board protects the rights of employees and employers by ensuring the proper delivery of benefits and by promoting compliance with the law.

To learn more about the Board, visit wcb.ny.gov. Sign up for Board notifications at wcb.ny.gov/Notify.

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**Workers'
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REMEMBER: SAFETY ALWAYS! SHORTCUTS CAN LAND YOU IN THE ER.

WCB.NY.GOV