



## How to Properly File a New York State Workers' Compensation Claim



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Injured while working in New York? You are entitled to an insurance benefit known as Workers Compensation. Every employer MUST have this insurance. It is NOT a lawsuit against your employer. You will receive medical care for your injuries and monetary benefits for lost time, but you must file!

### Step 1: Notify Your Employer

You must notify your employer that you had an accident. The law requires it to be in writing and should be done within thirty days of the injury. However, if you are taken by ambulance or the employer was otherwise aware, the writing requirement will often be excused. If you develop an occupational disease or condition, then you must notify your employer when you learn of that condition. REMEMBER - try to notify your employer in writing, by email, in a letter or file an incident report as soon as possible!

### Step 2: Seek Medical Care Immediately

You MUST seek medical care immediately. Even if you don't believe the injury is that bad, seek medical care as soon as practical. If you do not, and your condition gets worse, then it may be difficult to prove you injured yourself. Don't be brave, be smart. You can always seek medical care and only follow up if you feel it is necessary. However, every workers compensation claim is based on medical evidence that links your condition to your work accident.

### Step 3: File a Claim with the Workers' Compensation Board

Even after notifying your employer and seeking medical care you need to file a claim with the workers compensation board. This is the Agency that will handle all matters related to you claim and decide what benefits you are entitled to, if any.

### Step 4: Speak to an Attorney

While you do not need an attorney to handle a claim the insurance industry has an army of attorneys whose sole purpose is to keep costs down for insurance companies, that is not pay benefits. You should speak to an attorney sooner, rather than later. Also, all attorneys fees are set by Law Judges and only awarded if money is actually awarded to you.

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