

Disability News

Your One Stop For Injury and Disability News (and some fun stuff, too!)

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In This Issue

Jefferson's Ten Rules	1
Stay Tuned....Blog Talk Radio Series	1
Did You Make a New Year's Resolution?	2
New Year's Trivia Quiz	2
Follow Us On Facebook and Twitter	2
Congratulations!	2
Workers' Comp Benefits and Your Taxes	3
Meet the Team	3
Special Days in January	3
Ask the Attorney	4

Jefferson's Ten Rules

While sitting in my office thinking about what to write about for this issue – and trying to avoid the 'normal' New Year resolution stuff, I looked up and saw one of my favorite 'documents' that I have framed on my wall - Jefferson's Ten Rules.

Thomas Jefferson penned these Ten Rules long before there were life coaches, and self-help books and courses and so on. These are truly timeless, easy, yet often times ignored and difficult. I find them as applicable in today's world as they

were 250 years ago – simple rules that you must work out, but will be essential to leading a fulfilling life.

Pick at least one and try it out....



Jefferson's Ten Rules

1. Never put off till tomorrow what you can do today.
2. Never trouble another for what you can do yourself.
3. Never spend your money before you have it.
4. Never buy what you do not want, because it is cheap.
5. Pride costs us more than hunger, thirst and cold.
6. We never repent of having eaten too little.
7. Nothing is troublesome that we do willingly.
8. How much pain the evils cost us that never happened.
9. Take things always by the smooth handle.
10. When angry, count ten, before you speak; if very angry, a hundred.

Stay Tuned.....

Blog Talk Radio Series

- January 12th.....8:00—8:30 pm
Winning Social Security Disability Benefits at the Hearing Level
- January 26th.....8:00—8:30pm
Representing Yourself at a Social Security Disability Hearing

HERE'S HOW:

To listen in, or if you miss the live show, visit www.markhofflaw.com and click on the BlogTalkRadio box on our home page!

You asked for information— we got it!

Check out the disability specialists at

www.markhofflaw.com

Did You Make a New Year's Resolution?

Typically, many of us make new year's resolutions year after year. And, many of these resolutions are the same year after year. Have you committed to any of the following "most common" resolutions?

1. Drink less alcohol
2. Get a better education
3. Get a better job
4. Get fit
5. Lose weight
6. Manage Debt
7. Manage Stress
8. Quit Smoking
9. Enjoy Quality Time With Family and Friends
10. Save Money

YOU CAN DO IT!

11. Take a Trip
12. Find a Soul Mate
13. Volunteer to Help Others

What do you think the likelihood is of sticking to these resolutions? Recent studies show that while more than half of participants were confident of success with their goals, only 12% actually achieved them! Interestingly, men achieved their goal 22% more often when they engaged in goal setting (for example focusing on losing a pound a week, rather than a general statement of saying "lose weight"), while women succeeded 10% more when they made their goals public and got support from their friends.

Find this frustrating? Consider this—new year's resolutions are all about changing be-

havior. Realistically, how much can we do at once? It doesn't make sense to try to quit smoking and lose weight at the same time. Instead, we should focus on one thing at a time—accomplish one resolution and then move on to the next. It's pretty similar to what I spoke about in the last issue—goal setting. Try this approach: Choose one resolution and stick with it. Create a plan with clear steps that can be put into action. Write down the plan so you can refer to it regularly. You might even keep a journal which will help you focus and give you insight into those times that are most difficult to follow your plan. Be patient. Accept that change won't happen overnight. But, referring to your plan regularly, and keeping the goal in sight should put you in the category of those who have success!

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New Year's Trivia—Quiz

1. Who established January 1st as the start of the new year?
2. Which city hosts the first major New Year's Eve celebration each year?
3. Who wrote the traditional New Year's song Auld Lang Syne?
4. What is the most popular New Year's resolution in the United States today?
5. Who established the tradition of setting New Year's resolutions?
6. What year did the first New Year's Eve ball drop in Times Square?
7. What do people in Italy do on New Year's Day to bring good luck in the coming year?
8. To ring in the new year in Spain, it is tradition to do what on each chime of the clock?
9. Who started the tradition of using a baby to signify the new year?
10. What color clothes do people in Brazil wear on New Year's Eve to bring good luck and peace for the year that will follow?



- Answers:**
1. Julius Caesar
 2. Sydney, Australia
 3. Robert Burns
 4. To lose weight
 5. The Babylonians
 6. 1907
 7. Wear red underwear
 8. Eat a grape
 9. The Ancient Greeks
 10. White



Congratulations Scott & Sara!

Please join us in congratulating M&M attorney, Scott Daniels, on his marriage to longtime girlfriend Sara Gross this past December.

JUST MARRIED!



Workers' Comp Benefits and Your Taxes

It's something we hear all the time - are workers' compensation benefits taxable? The answer is "No" - Worker's Comp benefits are generally not taxable at the Federal, State and Local level. The Internal Revenue Service (IRS) has confirmed this in its widely used Publication 17 that helps explain a multitude of issues, including the Workers Compensation Benefit Non-Taxability: "Amounts you receive as workers' compensation for an occupational sickness or injury are fully exempt from tax if they are paid under a workers' compensation act or a statute in the nature of a workers' compensation act. The exemption also applies to your survivors. The exemption, however, does not apply to retirement plan benefits you receive based on your age, length of service, or prior contributions to the plan, even if you retired because of an occupational sickness or injury."

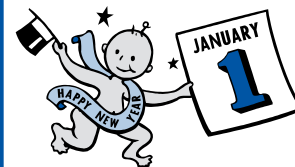
However, there is an unfortunate exception when you receive both Social Security Disability and Workers Compensation Benefits. Social Security Benefits are taxable to a certain extent. If you receive both Social Security Disability

Benefits and Workers Compensation, then Social Security may be reduced by a certain amount due to your receipt of Workers Compensation Benefits (you can only receive up to 80% of your pre-disability earnings from both sources, otherwise, Social Security reduces its benefits). However, our friends at the IRS tax you on the FULL amount of the Social Security Benefit, even if it has been reduced by Workers Compensation!!!!

"If part of your workers' compensation reduces your social security or equivalent railroad retirement benefits received, that part is considered social security (or equivalent railroad retirement) benefits and may be taxable. For more information, see Publication 915, Social Security and Equivalent Railroad Retirement Benefits."

Therefore, it is always in your best interest to consult with your tax professional. But be assured, your workers compensation benefits in general are non-taxable (whether weekly payments, lump-sums or medical payments). Or, call our office at 1-866-205-2415 —we are happy to talk to you about your particular situation.

Special Days In January...



- New Year's Day.....Jan. 1**
- Festival of Sleep Day.....Jan. 3**
- Fruitcake Toss Day.....Jan. 3**
- Humiliation Day.....Jan. 3**
- Trivia Day.....Jan. 4**
- Bean Day.....Jan. 6**
- Cuddle Up Day.....Jan. 6**
- Bubble Bath Day.....Jan. 8**
- Elvis Presley's Birthday.....Jan. 8**
- Peculiar People Day.....Jan. 10**
- Secret Pal Day.....Jan. 11**
- Work Harder Day.....Jan. 12**
- Make Your Dreams Come True Day.....Jan. 13**
- National Dress Up Your Pet Day.....Jan. 14**
- National Nothing Day.....Jan. 16**
- Martin Luther King Jr Day.....Jan. 17**
- Popcorn Day.....Jan. 19**
- Inauguration Day.....Jan. 20**
- Penguin Awareness Day...Jan. 20**
- National Hugging Day.....Jan. 21**
- Measure Your Feet Day....Jan. 23**
- Compliment Day.....Jan. 24**
- Opposite Day.....Jan. 25**
- Chocolate Cake Day.....Jan. 27**
- National Kazoo Day.....Jan. 27**
- National Puzzle Day.....Jan. 29**
- Backwards Day.....Jan. 31**

And, January is.....

- Eye Care Month
- Hot Tea Month
- National Blood Donor Month
- National Braille Literacy Month
- National Hobby Month
- National Soup Month
- National Staying Healthy Month
- National Thank You Month
- Oatmeal Month

Meet the Team.....Daniel Elias

I have been practicing law since 1986 after graduating from Binghamton University and State University of New York at Buffalo School of Law. I have been working in the Workers' Compensation and Social Security Disability fields since joining Markhoff and Mittman in 1998. I have 2 families. My work family consists of amazing, caring individuals who share my goal of representing people respectfully and thoughtfully (my work family). I live in Westchester with my wife and 2 sons. My older son is eagerly awaiting responses from the 13 colleges he applied to recently, while my younger son is on page 256 of the Norse mythology fantasy novel he is writing. My wife is a massage instructor at a Mount Kisco massage school.

I have been practicing clarinet since 1970. I grew up in a musical family. My father and I founded a group that performed the music of the Spanish Jews in venues all over the

world. The songs are performed in Ladino, the Spanish the Jews spoke after leaving Spain in the 15th Century. I have studied classical, jazz, Jewish, Greek and blues clarinet music. I am a founding member of the Brooklyn Swing Ensemble, a group that plays for New England Contra Dancing throughout the tri-state region. While in college I won a concerto competition.

I think there are a lot of parallels between playing music and representing injured workers. In order to be a good musician you have to listen to the other musicians. You must know when to play loud and when to lay back. You want to play with emotion without laying it on too thickly. In representing claimants, you have to listen to what they have to say. You have to know when to fight and when to agree. At all times you have to be credible. As long as you are



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true to your good conscious, you will have the respect of your adversaries, your clients and the other musicians in the room.

I could make more money practicing in other areas of the law, but I derive great satisfaction in knowing that my clients have someone who will stand up for them and advise them in the way I would want to be counseled.

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the injured
worker
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SUCCESS IN 2011!*

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Brian M. Mittman,
Attorney at Law

Question: After I receive a Section 32 Settlement, can Workers' Comp take it back?

Answer: Section 32 settlements are full and final, just like a general release in a regular lawsuit. However, you must go through various steps. The final steps are:

- (1) Approval from the Workers' Comp Judge, THEN
- (2) a ten day waiting period where any side can withdraw and then
- (3) the issuance of the final decision. Once that happens you are supposed to be paid and the case is over.

You asked for information— we got it!

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