



# THE STROM REPORT

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## Worker's Compensation: An Overview

Most people don't think about getting hurt at work and how it can affect their families. The realities of the workers' compensation system are often unknown. The truth is anyone, in any job, could be at risk for injury. Workplace injuries can trigger significant personal and financial hardships.

Not knowing what to do immediately after an accident could jeopardize your ability to receive workers' compensation benefits – even when you're entitled.

The first 48 hours following an accident are the most important. What you do during that time can make or break your workers' compensation case.

Below is some important information about what to do when you're injured on the job and the steps to take when an accident happens.

- If you are able, tell your supervisor that you've been injured.
- Immediately seek medical treatment.
- When asked for medical insurance, tell them that you were injured at work and provide the name of your company. The medical facility will contact your employer to verify workers' compensation benefits. If workers' compensation

insurance is unavailable, use your own insurance.

- While being treated, make sure your doctor accurately records how and when you were injured at work. Give



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them the facts and make sure they are recorded in writing. In any event, keep the account of your accident short, to the point and fact-based. Do not share any unnecessary information. What you say and to whom you say it could affect your case later.

- Record the names of any witnesses as well as the location and situation in which you were hurt, for your own files. Get a copy of your doctor's report. Make sure the date of your injury is correct.

- Legal consultation soon after your accident is an important step in determining your rights. Following treatment, when the seriousness of your injury has been determined, have a qualified workers' compensation attorney review your situation and be prepared to discuss your options and how they may affect your future.

One question people ask themselves is if hiring an attorney can put their job at risk. The answer is no. In fact, hiring an attorney early in the process can reinforce your job security, expedite your case and make it easier for your family during what could be a very stressful time. A good firm will have experienced attorneys who will negotiate with your employer's insurance company and have them pay the medical bills and handle all other details involved in a workers' compensation claim. For a complete list of other frequently asked questions, please visit [http://stromandassociates.com/wc\\_faqs.asp](http://stromandassociates.com/wc_faqs.asp).

For additional information about workers' compensation and a directory of physicians who specialize in treating injuries common to these claims, please visit [www.stromandassociates.com/resources.asp](http://www.stromandassociates.com/resources.asp).

### Strom & Associates

The Chicago law firm of Strom & Associates represents individuals injured in the workplace who are seeking to enforce rights granted them by Workers' Compensation laws. The firm also represents victims of personal injuries.

### Workers' Compensation

Workers' Compensation is insurance, paid for by employers, that can provide cash benefits and/or medical care for workers who are injured or become ill as a result of performing their jobs.

### Personal Injury

Persons who are injured have a right to bring a claim against individuals, corporations, municipalities and other legal entities that may be at fault for causing injury.

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# Selected closed cases from 2003 and 2004



## **Patrick Heneghan V. Hines Interests**

The Heneghan case is cited for the principal that even if an employee violates an express rule prohibiting a certain course of conduct, the employee may still be eligible for rights under workers' compensation laws if (s)he was within the "sphere of their employment" and performing a task "incidental" to that employment.

## **Donald Bockman V. Commonwealth Edison**

Commonwealth Edison threatened criminal prosecution for workers' compensation fraud, alleging that the client was collecting benefits while capable of working. Mr. Strom produced evidence to the contrary, leading the Industrial Commission, the Circuit Court of Cook County and the Appellate Court to agree that the worker was deserving of these benefits.

## **Charles Hill V. Chicago Transit Authority**

Prior to this case, the Chicago Transit Authority prohibited insulin-dependent diabetics from working on trains. Effective representation by Mr. Strom led the Industrial Commission to award Mr. Hill, an insulin-dependent diabetic, benefits under workers' compensation laws. He was then able to return to work as a Chicago Transit Authority motorman. This landmark decision led to increased awareness of disabled persons' right to work.

## **Nursing Agency Owner V. Liberty Mutual Insurance Company**

An arbitrator with the State of Illinois Industrial Commission awarded workman's compensation benefits to the owner of a nursing service despite her initial choice to exclude coverage for "partners and officers" of the company. The arbitrator awarded workers' compensation benefits to the nursing agency owner because she was engaged in practical nursing duties, as opposed to duties as an officer of the company, when injured.

## **Rafael Esparza V. Viking Material**

Viking Material suspended Mr. Esparza's workers' compensation insurance following his return to work after an accident that impaired his ability to perform job duties at the level prior to the accident. Mr. Strom's argument that even though Mr. Esparza was able to work did not mean he was miraculously cured, therefore his argument that Mr. Esparza was still entitled to medical care proved successful: Mr. Esparza was granted compensation, medical care and psychiatric services authorized and paid for by workers' compensation insurance. Additionally Mr. Strom helped secure Esparza a vocational counselor to assist him in searching for a profession that, despite his injury, would provide him with a decent wage, medical insurance and accommodations for his injury.

## **Paul Buffington V. Carlson Heating & Cooling Company**

In this case Mr. Strom used a rare procedure in the Workers' Compensation Act to discover undercover surveillance tape intended to be used as evidence against his client. Workers' compensation cases work without the function of "discovery," so even though Mr. Strom knew the tape existed, he was not privy to its contents until he argued under an emergency provision of the Workers' Compensation Act for its disclosure. Since Buffington was not filmed doing anything suspect, his case was resolved by agreement after the validity of the tape put the company's claim into question. The company lawyer attempted to bluff Strom into believing the tape was connected to the case.

## **John Mizwicki V. Tube City**

When Mr. Mizwicki fell from a golf cart and suffered a fatal head injury, his employer claimed that his death was not related to his employment obligations because he had consumed several alcoholic beverages before the accident. Mr. Strom was able to set a precedent making employers responsible for the environment in which their employee's work, regardless of where it is located or what activities took place. Mr. Mizwicki was entertaining business clients when he died.

## **Steve Benyon V. BMW**

Strom secured Mr. Benyon a 'wage differential,' or a life-time award that compensates for wages lost as a result of a debilitating injury, after he injured his right wrist while working as a mechanic and found that he no longer had the ability to complete the skills required for his position, therefore requiring him to settle for a lower-paying, less-challenging job.

## **Jerzy Wazydrag V. Glen's Truck and Body**

Mr. Wazydrag suffered a fractured leg and severe, permanent brain trauma that left him incapable of speaking or writing after volunteering to help his employer move an air conditioner from the roof of the warehouse. Mr. Strom secured Mr. Wazydrag and his family weekly compensation that will undoubtedly last for life and 24 hours-a-day, seven days-a-week nursing and medical care for life.

## **New Website for Strom & Associates**

Check out Strom & Associates new website at <http://stromandassociates.com>. It's even easier to navigate, features downloadable forms and is available in multiple languages. Strom & Associates incorporated the multi-language capability as the firm is dedicated to helping every individual realize the workers' compensation rights granted to them.

The newly designed site features a Resource Center that provides valuable information designed to help clients throughout the cycle of their workers' compensation claims.

Here, individuals will find links to downloadable new client forms, a list of physicians that often work with workers' compensation claims, helpful advice about when to begin a claim and the most recent news about Strom & Associates. This section will be updated on a regular basis.

Just like before, the site allows users to learn more about the firm and its associates and helps to educate people on the rights they're entitled to under Workers' Compensation and personal injury claims.