

THE STROM **REPORT**

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Injured Workers Benefit from Workers Compensation Changes

By Neal Strom

Provisions for Temporary Light Duty Yields Higher Benefit

Benefits have increased for minimum-wage workers who are temporarily disabled, workers put on light duty after an injury and for those who are permanently disabled.

For example, a new provision says that, when a temporarily disabled worker is able to perform light duty, the worker is entitled to partial disability benefits totaling two-thirds of the difference between the amount the employee would earn at full performance of their work and the amount earned in a light-duty or modified job. For example, if a worker who earned \$20 per hour or \$800 per week is returned to work at \$10 per hour or \$400 per week, this worker is entitled to an additional \$266.66 weekly in workers' compensation benefits.

Provisions for Permanent Job Restriction Also Yields Higher Benefit

Partially disabled workers who cannot return to the same job will also see higher benefits. They not

only qualify for two-thirds of their previous wages for life, but the ceiling for those benefits has changed to the maximum temporary total disability rate. To illustrate, if a worker made \$30 per hour before his injury and is now making \$9 per hour or \$360 weekly, that worker is entitled to workers' compensation benefits of \$613.33 weekly or \$31,903.49 yearly tax free for life.

"Helping disabled workers is more than just seeing that they obtain good medical care and the workers' compensation benefits to which they are entitled," says Strom. "It is about helping them redesign their lives to accommodate the injury. No worker in a tragic situation like this should also have to worry about how to take financial care of their loved one."

In addition to the previously noted changes, the new workers' compensation reforms have also doubled worker death benefits and increased burial benefits.

Neal Strom, principal of Strom and Associates, Chicago, says, "Just because an injured worker can go back to work does not mean his employer's or workers' compensation responsibilities

end. The worker is entitled to the best medical care available and the protection of his livelihood and his family."

Changes Add Medical Protections

Injured workers are expected to have fewer issues related to medical bills, thanks to the new reforms.

Employers are required to pay medical bills within 60 days of notification of the medical charges or explain in writing why the payment is denied. Also, medical providers may not initiate collection proceedings against injured workers when a claim is denied.

Reforms Speed Claims Resolution

Under the new law, injured workers will have the benefit of an expedited claims process. Several new arbitrators have been appointed to hear cases and a third panel will be appointed to the Workers Compensation Commission to speed up the resolution of appealed claims. These changes will help injured workers with temporary total disability and medical care issues faster, but also allow injured workers

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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Workers' Compensation Benefit Injured Workers

to receive treatment more promptly.

Insurance companies failure to pay the injured worker quickly, exposes the insurance company to stiffer penalties. For example, if an injured worker's attorney has made written demand for payment of benefits, the employer has 14 days to provide a written reason for the delay or be exposed to increased penalties. Not only has the penalty for non-compliance been increased to \$30 per day from \$10 per day for each day that compensation is withheld, but arbitrators may add 50 percent of the amount awarded an injured worker as an additional penalty. In addition, attorneys' fees equal to 20 percent of the compensation may be added.

Employers who fail to obtain workers' compensation coverage may also face strengthened penalties, fines or even a work-stop order and directors of an employer company can be found guilty of a Class 4 felony.

"For 29 years, we have concentrated our law practice solely in the areas of workers' compensation and personal injury," says Strom. **"We realize that individuals have many choices in legal representation; however our clients receive constant attention, boundless energy and aggressive, successful results. We are committed to being there whenever our clients need us."**

Strom concludes, "In the end, it's about not letting red tape deny a worker his or her rights."

Selected Cases

Soristo v. City of Chicago

Plaintiff, a City of Chicago employee, suffered a severe injury to his right knee while climbing down from a truck. A truck mechanic, Plaintiff was repairing fire trucks when he slipped and fell. *Strom and Associates* successfully prosecuted Soristo's workers' compensation claim against the city. As a result of Strom's efforts, Soristo received 66 2/3 percent of his pay while off work, medical care for life as a result of his injury and 40% disability for the injury to his leg.

Garza v. Federal Mogul

Plaintiff injured her right shoulder due to the repetitive nature of her job. A single mother, Garza had worked for Federal Mogul (FM) for 20 years. Following the injury, FM offered her \$25,000 with the stipulation that she leave her job. Plaintiff came to *Strom and Associates* for help the night before the case would no longer be available to file. S&A investigated the claim and found that FM had not provided her with medical services. Therefore, S&A had qualified physicians assess the Plaintiff's injury. They discovered that Garza had a 75 percent disability to her arm. As a result of the claim, Garza received a \$100,000 cash award.

Gehring v. Nabisco

Plaintiff injured his lower back while working as a delivery driver, who stocked shelves at each stop. After 20 weeks of temporary disability leave, Gehring went back to work but the injury was still not healed, so he had to take more time off work. *Strom and Associates* successfully brought this claim to trial where an award gave Gehring a 35 percent disability for his back. In addition, he received a \$95,000 cash award and was awarded compensation for his additional recovery time. Moreover, if the Plaintiff experiences future problems related to his back injury, he will receive temporary disability compensation and medical payments. In addition, Gehring would be eligible for additional compensation for any increased permanent partial disability.

Yapp v. IDC Construction

Plaintiff, a union carpenter, injured his back and neck while on an IDC job. He filed a workers' compensation claim, but the company's insurance provider refused to pay, asserting that Yapp injured himself while laying a floor in his own home. *Strom and Associates* successfully took this claim to trial on Plaintiff's behalf. A judgment was entered in favor of the Plaintiff, who received workers' compensation payment for his time off work under Section 19B, a provision of the Law that provides benefits to injured workers while being treated for their injury on an emergency basis. Also, due to a doctor's assessment that he could no longer work as a carpenter and had to take a job at much lower wages, Yapp was given two-thirds of the difference in wages (tax-free), up to the maximum allowed by law. Moreover, upon retirement, Yapp received over \$400,000 in benefits.

The Strom & Associates Website

Check out *Strom & Associates* website at stromandassociates.com.

It's easy 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 is updated on a regular basis.

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.

Our brochures are available in Spanish and Polish, as is the website.