

What are the steps to Appealing a Workers' Compensation Claim?

To appeal, you should work with an experienced workers' compensation lawyer to guide you through the twists and turns of your case

PHILADELPHIA, PENNSYLVANIA, UNITED STATES, October 30, 2018 /EINPresswire.com/ -- Navigating a [workers' compensation case](#) is quite the journey, that tends to be difficult

and long. Each step takes focus and meticulous planning, and there should not be a single shortcut or mistake throughout the process! To appeal successfully, you must be sure to work with an experienced workers' compensation lawyer to guide you through the twists and turns of your case in actual time. Deadlines are strict, and if they are not adequately met then you might get lost along the way, and it could cost you in attorney fees.

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Cory Trobman

Often, the most frustrating part of the workers' compensation claim process is the trial, itself. Your assigned judge might be limited when it comes to evidence or the subject matter. In some cases, witnesses from your company may show up with false statements. Say your case is lost, and you lose your benefits, and on top of that, you can't even return to your job? Or, what if you settled a case in the past, but your condition is worsening? Regardless of the situation, you may be entitled to appealing your workers' compensation claim. An

experienced attorney will be able to review the claim regardless of the status. Once the settlement is reviewed, your experienced workers' compensation lawyer will be able to tell you whether it's worth appealing the claim and getting a petition for reconsideration.

Why was Your Appeal Rejected in this step of the Process

Workers who get hurt due to their jobs or develop an illness related to manual labor recognize their entitlement to workers' compensation. Though they have a great understanding of their benefits, these workers tend to assume they can receive these benefits without making any record of the accident or reporting the accident to their employer. Do not be surprised when your workers' compensation insurance company drags their feet with hopes of getting out of paying the benefits, even if the case is justifiable. It's important that injured workers fully understand the process and what to do when receiving a Notice of Workers' Compensation Denial or Notice Stopping Temporary Compensation.

Once you apply for your workers' compensation benefits, your employer will contact their insurance company who will then make an initial decision on extending you your benefits. A few of the following factors are reasons why workers' comp applications are denied in Pennsylvania:

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- The employer argued that the accident happened outside the “course and scope of employment.”
- False info listed on the claims forms or accident report.
- Goes against the employer’s policies by using illegal drugs.
- Failure to submit a claim within the 120-day filing deadline.
- Challenges referencing the validity or seriousness of the injury and medical treatment.

You are not required by any means to be represented by a lawyer, but in Pennsylvania having a workers’ compensation attorney will make [navigating the denied appeal](#) a lot easier. The first step of any appeal process starts with filing a Claim Petition with the Bureau of Workers’ Compensation. Next, the case will be looked over by a judge, or potentially a chief judge depending on the severity of the case, that specializes in Workers’ Compensation. When appealing a denial, you must face a challenging procedure, evidentiary issues, and substantive law. If denied your claim, contacting a workers’ compensation lawyer will allow you to fight for the justice you deserve.

Understanding the Workers’ Compensation Appeals Process

In many areas, the system stems from administrative law. This means that some administration is operating under the executive authority of your federal government or governed state. This legal administration oversees the workers’ compensation laws, in which the state legislature creates. Administrative law systems are often the ones conducting these types of trials.

If the decision leaves you feeling unhappy from the hearing, there are measures you can take to appeal the unfavorable result. After filing for your first appeal, you will most likely be taken to a workers’ compensation court of appeals, also known as an administrative law panel. When a ruling is made, or in the case that a law appeals court does not exist in your state, a judicial appellate review can be done if you are still unsatisfied with the outcome of your case.

A judicial appellate review occurs when the court is outside of a workers’ compensation administrative, legal system takes a closer look at the decision made by the workers’ compensation administrative law judges. Generally, the court reviewing or examining the decision will be reviewed by the state court of appeals or in some cases the supreme court. No matter what court considers the appealed case, the judicial appellate system will call for a review of the law, also known as the record of events that occurred during the hearing, and the actions that happened in court.

In some states, workers’ compensation is reviewed and limited to questions of law. If the judge made a mistake applying or using the worker’s compensation rules of law, the court doing the reviews could alter the judge’s decision as seen fit. Decisions made by the judge concerning the evidence are harder to get changed on appeal. If there is significant or substantial evidence on record from the evidentiary hearing that holds up to the decisions that the workers’ compensation judge made about the facts of the claim, the appeals court will often not challenge the final ruling that springs from the actual decisions made. The judicial appellate review cannot change decisions regarding believability of witnesses or character and what evidence to review usually. However, if a workers’ compensation judge totally ignored rules of evidence, in some states, a judicial appellate review could change the judge’s decision since it relied too heavily on unacceptable evidence in the judicial appellate court.

You may also be able to have judicial powers review of settlement on your claim, in individual states. When changing your status of disability, mutual mistakes, or a fraud notice you may be questioned and reappointed by the judicial appellate court regarding the previously submitted claim. Each state is different when it comes to settlement requirements.

Due to specific and technical rules, all workers’ compensation appeals vary. The rules will dictate

just about everything related to the motion from the granted amount of time to file an appeal, to what documents are required to appeal, and what the request must incorporate in general. Working closely with an experienced lawyer from your state will give you the upper hand when filing an appeal. This lawyer will be able to review the decision and determine how to handle the next steps in the process.

Thoughts on Appealing a Workers' Compensation Decision

If a bad decision is granted at the hearing, it is challenging to appeal. This means you must meet specific requirements in regards to the mistakes decided upon the workers' comp judge to convince the reviewing court that your given reasons are good enough to change their current decision. You must also follow specific rules that come with the time of the appeal and the respective paperwork. Picking a lawyer who has an understanding of workers' compensation and the appeals process can inform you of the challenges being raised when submitting an appeal. The representation of a well-knowledged lawyer will allow for your to get the answers you need and deserve.

Pennsylvania Specific Appeals Process

When your case is ruled against you, in any way, by a Workers' Compensation Judge in Pennsylvania, you may be able to continue the appeals process with the help of these steps:

First Step: Pennsylvania Workers' Compensation Appeal Board

Firstly, be sure to file within 20 days from the date of the written decision when it comes to filing within the Pennsylvania workers' compensation appeal board. After the appeal goes through review, the board will either overrule or affirm the original decision from the judge. Sometimes the case will be sent back and reviewed again by the workers' comp judge. Occasionally, the case will be sent back to the Workers' Comp Judge.

Second Step: Pennsylvania Commonwealth Court

If the appeal board does not rule in your favor, the next step would be submitting an appeal to the Pennsylvania Commonwealth Court. You have 30 days from the decision made by the workers' compensation appeals board (WCAB) to file the appeal to the Pennsylvania Commonwealth Court. When a case is submitted to the Pennsylvania Commonwealth court, your attorney will be able to point out the mistakes made by the appeal board and decide if there is enough evidence to change the decision. The court will issue a written decision upholding or overturning the conclusion of the appeals board.

Third Step: Pennsylvania Supreme Court

Most workers' compensation denials only get as far as the Pennsylvania Commonwealth Court, but a claimant who loses in that court can then appeal in the Pennsylvania Supreme Court. It's important that this appeal is filed 30 days within the date of when the Commonwealth Court issued their decision. The State's supreme court can then elect whether or not to entertain the case. If they choose to decline or rule that the denial was proper, this means that the decision is final and there are no other ways to appeal. If a claim were to reach this stage, the injured worker would need to write a lengthy appellate brief featuring different examples that appeared at the hearing to argue the merits of the claim.

The work injury attorneys at The Law Offices of Craig A. Altman are always ready and willing to help you during your time of need. We understand an array of intricacies associated with New Jersey and Pennsylvania workers' compensation law. Be sure to fill out one of our forms on our website or give us a call today at (856) 485-4747 for more information on how we can help you!

This release was drafted by [Results Driven Marketing, LLC](#): a full-service digital marketing, public relations, advertising and content marketing firm located in Philadelphia, PA.

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