

Understanding Pre-Existing Conditions & Workers' Compensation

At Saffren and Weinberg, Marc Alan Weinberg, Attorney and Kenneth Scott Saffren, Attorney are partners. The firm's tagline is "The People's Voice In Court."

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[Pre-Existing Conditions](#) & Workers' Compensation

Many workers find themselves hurt on the job or victims of a workplace accident, and they may be eligible for workers' compensation. But, many may find their workers' compensation claims denied due to a pre-existing condition.

Injuries due to pre-existing conditions are not eligible for workers' compensation benefits. However, if the injury was not directly caused by the pre-existing condition then it may still be eligible for workers' compensation benefits.

If you have a pre-existing medical condition that you believe may deny you your workers' comp claim or have been denied workers' compensation wrongly because of your pre-existing condition, it is worth finding a Philadelphia workers' compensation lawyer to help you explore your options.

What is a Pre-Existing Condition?

The definition of a pre-existing condition in workers' compensation law is a previous medical condition or an aggravation of a pre-existing condition. It can be a personal injury, but typically it's an old injury that happened to you in the past as long as it affects your ability to work, such as a long-term back injury like a herniated disc or a repetitive motion injury like carpal tunnel syndrome.

This is a very wide definition that can include a variety of medical claims and conditions, and therefore as a worker, it is important to be aware of the kinds of injuries you receive and the medical conditions you may have.

The kind of coverage and benefits workers' compensation gives varies heavily depending on the origin of the pre-existing condition. Generally, if the condition is due to a previous work-related injury, which you are receiving workers' compensation for, then it will often be permitted to

receive additional workers' compensation if it is further aggravated or has contributed to another condition.

However, if the condition is one that is not related to a prior workers' compensation claim but rather has contributed to your current injury, then whether you will receive workers' compensation becomes a complicated question.

It is important to receive a medical examination and medical care whether your pre-existing condition or injury was related to workers' compensation or not. A doctor, particularly one skilled and experienced in workers' injuries, will often know the kinds of terms to use and the facts to look for.

However, if your condition is completely unrelated to your work and was not proven to contribute to any current injuries, workers' compensation will not be able to pay for medical treatment directly. Workers' compensation will only pay for a new injury sustained on the job, either unrelated to the pre-existing condition or ones that may have been aggravated by it.

If you have a pre-existing condition, normally your health insurance will be the one paying for it, as long as it doesn't contribute to an injury on the job.

Pre-Existing Condition Example for Workers' Compensation

Assume, for example, that you are a construction worker and have been injured from falling off a roof. You now are applying for workers' compensation benefits and want to know how to best present your case, as well as what your chances are.

In Pennsylvania, the formal process of filing a claim includes notifying your employer and having their insurance company process your claim and pay your disability benefits.

However, it often isn't that easy, as the insurance company will challenge the claim, whereupon you may need to go to the state government to settle it before a workers' compensation judge.

Either way, the success of your claim will depend on both the injury/condition and the cause of it.

Suppose that you permanently damaged your back from a fall off the roof. If you were on the roof for the purpose of doing work for your employer, and in the process of doing that work, it is very likely that your injury satisfies the workers' compensation requirement that the injury was sustained during the course of employment.

However, if your back was already weak from previous injuries or back conditions, that may pose a pre-existing condition challenge to your claim. If your back was weak from having previously fallen off a roof while employed and received benefits for it, you may still receive benefits for it again.

In contrast, if your back was especially weak or already showing signs of breaking down, the insurance claim may be much harder to process.

That is why it is important to work with a well-trained work injury lawyer to prepare your case and give your claim the best possible chance of success.

What is Workers' Compensation?

Workers' compensation is a program that many employees have heard of, but few know the workers' compensation facts that may be essential to helping them secure their benefits. Particularly for workers with pre-existing conditions or injuries, understanding what workers' compensation is and how it works in Pennsylvania is crucial.

Essentially, workers compensation is a state-administered program that provides you compensation for a workplace injury. Each state runs their own insurance program. Pennsylvania runs its workers' compensation program uniquely, as it administers its state's workers compensation fully through the Compensation Rating Bureau and relies on private insurance carriers to initially process, evaluate, and pay claims.

Pennsylvania maintains a workers' compensation fund, but generally, that is only used when there are disputes between the employer, insurance carrier, and injured employee regarding benefits and claims. These insurance carriers will then charge employers premiums for workers' compensation insurance.

Even if you are partly or totally injured or disabled, workers' compensation benefits remain possible in Pennsylvania. It is important to work with a lawyer in the region you are in, such as a Philadelphia workers' compensation lawyer or otherwise, to explore your condition and plan your claim. This is even more important if you have a pre-existing condition.

While the workers' compensation facts may be confusing initially, the system nonetheless serves many thousands of Pennsylvanians each year who have been injured on the job, even those with a pre-existing injury.

Is Pennsylvania Friendly to Pre-Existing Conditions or Workers' Compensation?

Pennsylvania is one of the more generous states for workers compensation payments and benefits. In 2016, Pennsylvania ranked 17th out of 50 states. However, this was lower than its 12th place ranking in 2012. Furthermore, Pennsylvania pays 8% more than the national average for workers compensation.

While rankings for pre-existing conditions are not available, an overall friendly environment for workers' compensation is a positive indicator.

I have a Pre-Existing Condition and Want Workers' Compensation, How do I get it?

The general process for filing your claim for workers' compensation benefits in Pennsylvania is informing your employer and attempting to get their insurance carrier to pay. If the claim is denied, you can appeal to the state and its judges.

However, many workers will find they want the services of a work injury lawyer to help them navigate the extremely complex legal proceedings as well as present their case in the best light.

I'm ready to [file a claim](#). What's next?

If you believe you have been injured on the job and are ready to file a claim for workers' compensation or have had a workers' compensation claim denied because of a prior injury for which it was not the cause, then it is worth contacting a law firm that specializes in workers' comp benefits to discuss your case.

At Saffren & Weinberg, our law office is comprised of dedicated workers' compensation attorneys that are experienced in helping injured workers, and are ready to win your case. Call us at (215) 309-9577 for a free consultation so that we can see how we can help you.

Marc Alan Weinberg / About the author

Marc Weinberg, Esq, is a partner of Saffren & Weinberg located in Jenkintown, PA, with main areas of practice in personal injury and employment litigation. In addition to these, he also specializes in wrongful termination, social security and disability law, homeowners claims, and property loss. His extensive trial experience has led him to try cases to verdict Philadelphia, Bucks County, Montgomery County, and Delaware counties.

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