

What To Do When Workers' Compensation Checks Are Late or Incorrect

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People who are injured on the job are entitled to workers' compensation payments. For a primer on Workers Compensation, go to this helpful article. In a perfect world, this would be

a fairly straightforward process; the injured employee would receive the appropriate amount of workers compensation benefits or compensation from the insurance company in a timely manner. Unfortunately, insurance companies often make mistakes, oversights, and even deliberate under-payments or late payments. Even worse, they have a proven track record of only correcting their errors (and then compensating the worker appropriately) when an attorney specializing in workers' compensation issues gets involved.

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Marc Weinberg, Esq.

Both [late workers' compensation checks](#) and/or checks that are less than the insurance company is required to pay are difficult for an injured worker to tolerate. It adds the specter of financial stress to an already difficult situation wherein the injured worker may have difficulties in meeting his or her financial obligations due to a work-

related injury. While some brave souls have taken on the enormous insurance companies themselves, the intervention of a workers compensation attorney can increase both the haste with which an issue is resolved and the amount of penalty paid to the injured worker. Statistics in all 50 states bear this claim out.

Please read the following paragraphs to get a better understanding of what is at stake if an insurance company fails to hold up their end of the bargain in such cases.

When a Workers Compensation Check is Late

Just because you have an entitlement to comp checks, doesn't mean you are at the mercy of the particular insurance company required to pay you. In fact, what some people don't know is that if the insurance company owes money to an individual but doesn't pay on time, then the individual may be entitled to a penalty. In other words, if you don't get your check on time, the insurance company may owe you specific penalty money. Each state has its own penalties that attach for late payments to injured workers. These penalties are designed to assist workers when insurance companies fail to pay the workers (who are entitled to payments) in a tardy fashion.

For example, if a worker lives in Nebraska, an insurance company that owes a workers' compensation check to that worker has only 30 days to make the payment of disability benefits.

The 30 days begins ticking on the day that the company has notice of the disability or the day that a court entered the order, judgment or award. In Nebraska, the worker may be entitled to an additional 50 percent (this is in addition to what the worker is already owed).

What this means is that if a court orders an award of \$10,000 to a worker on the first of January, the insurance company must make the payment (which can be completed by mailing the check) by the 31st of January. If the insurance company fails to make the payment by January 31st, the worker may be entitled to an additional \$5,000 (which is 50 percent of the total award).

In many cases, a worker has to retain an attorney to ensure that the insurance company pays the penalty. If this is the case, the insurance company could be on the hook for the fees racked up by the attorney while securing this penalty (and even interest on that amount). The court will determine what fees are reasonable, but generally, the insurance company will be required to cover the fees for the attorney who secured payment of the penalty. That means that the worker isn't further penalized by insisting on being paid promptly, by having to pay for the attorney to secure this owed amount.

Many people find they require the services of [workers' compensation lawyer](#) to ensure that these penalties are paid. Check out this post that outlines how insurance companies make the process of receiving payment more difficult. A workers' compensation lawyer is an attorney who has worked in the area of workers compensation, workers compensation insurance PA, or work injuries enough to be experienced with the law surrounding these topics. Also, they understand the reasons that payments are delayed (sometimes it's as simple as an administrative issue). These attorneys can help workers navigate the ins and outs of collecting money from the insurance company and provide legal advice.

The Amount of a Workers' Compensation Check

Many workers who are entitled to workers compensation insurance payments are extremely disappointed in the amount of money they are actually entitled to. It is often substantially less than the wages that the worker earns on a weekly basis. Many times, this amount falls short of the worker's regular obligations. This disappointment can be compounded if the check has been figured at the wrong amount and is even less than what is actually owed to the worker.

For example, in the state of Georgia (go here to their site), workers' compensation insurance companies determine the average salary of a worker by figuring the average weekly salary for approximately 13 weeks prior to the injury. Then the workers' compensation insurance company pays a disabled worker (assuming the worker is completely disabled) two-thirds of the worker's average weekly wage. These checks are not taxed.

If a worker's average weekly wage averages out to \$300 and the worker is 100% disabled (as certified by the treating doctor), then that worker would receive \$200 (which is two-thirds of \$300). Interestingly, the payment is not taxed and is paid during the time that the worker remains unable to work. If the injury is deemed "catastrophic," then the number of weeks isn't specified. If the injury does not meet the standards for "catastrophic," then the number of benefit weeks is limited. Any injury which occurs after the first of July, 2013 has a maximum workers' compensation rate of \$525 per week. It matters not how much the worker who was injured earned before the injury. The maximum is set for every injured employee.

However, sometimes mistakes happen. If the insurance company pays an injured worker an incorrect amount, it is often due to an error by a claim representative using the wrong pay information, or a calculation error that benefits the insurance company. A work injury lawyer often must intervene to get the issue corrected, back pay paid, penalties awarded, and attorney's fees as well. It can be a lot of money, and people find it very helpful to have an attorney fight for them on these issues.

A workers' compensation attorney can help an injured worker get all that he or she is entitled to

under the law. Unfortunately, it is often necessary that the injured worker gets legal help to ensure that the amount owed is correct and that the funds arrive in the time required by law.

At Saffren & Weinberg, we dedicate ourselves to representing clients who have been unfairly treated by insurance companies that delay or deny workers' compensation claims. For a free consultation or to speak with a member of our experienced workers' compensation legal team, please call us today!

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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.

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

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