

Should you have a pre-existing or prior injury, work-related or not, or even if you were previously compensated for a prior injury, you may none-the-less have a Workers' Compensation claim for the work occurrence which aggravated your prior or pre-existing injury.

10. Some work-related injuries are not easily recognizable though covered by the Workers' Compensation Act. For example, repetitive type injuries, such as traumatic arthritis, or carpal tunnel syndrome, due to repetitive use of hands and arms while working with the company product and various kinds of tools including vibratory; heart attacks or strokes due to work stress physical or mental; work-related injury which aggravates a pre-existing injury or disease, even if the prior injury was not work-related, is compensable under the Illinois Workers' Compensation Act; dermatitis or skin irritation conditions; stroke; assault injuries originating at work; company parking lot or on premises injuries occurring before the injured employee has punched a time clock or actually begun regular job duties; company sponsored athletic programs, outing and social events of required attendance, silicosis, asbestosis; and other lung diseases.
11. Worker's Compensation is a no fault system whose benefits are available regardless of whether the employer was negligent and even if the employee was negligent.
12. Though an injured worker may not sue his employer or fellow employee in a civil suit for damages caused by their negligence, where appropriate the injured worker may file a civil suit for damages against a third party who caused the injury, in addition to filing a Workers' Compensation claim against the employer for the same work-related injury.
13. Filing a Workers' Compensation claim is not a lawsuit. It is a social welfare benefit, similar to a claim for Unemployment Compensation or a claim for Social Security.

14. Employers and Insurance companies are prohibited by state law from discriminating in any way against an employee for filing a Workers' Compensation claim.
15. You should be aware of Federal legislation known as the "Americans with Disabilities Act", which contains provisions intended to protect disabled workers from job discrimination by reason of disability and to afford increased job security to those workers who are disabled.
16. Apart from Workers' Compensation benefits, you may be eligible also for Federal Social Security benefits, as well as state benefits such as those provided by the Illinois Department of Rehabilitation Services.

Where Workers' Compensation benefits are temporarily denied or being litigated, Interim Assistance may be secured from Illinois Public Aid, possibly State Unemployment Insurance, or Group Medical benefits, if appropriate and if you qualify.

Published by: **ATTORNEY PETER F. FERRACUTI**
Toll Free Number: 1-888-488-4LAW
www.peterferracuti.com

Copyright 2009 by LAW OFFICES OF PETER F. FERRACUTI, P.C.

Commencing with 1983, Attorney Peter F. Ferracuti has been listed in several editions of the national publication "Best Lawyers in America", being 1 of only 18 civil litigation specialists similarly recognized from the State of Illinois in that publication. Attorney Peter F. Ferracuti has had extensive experience in the labor law field, currently representing several unions. The major clientele of his firm are working people, with the firm essentially representing individuals rather than corporations, or insurance companies. He is an active member of the American Trial Lawyers Association, Illinois Trial Lawyers Association and the Workers' Compensation Lawyers of America.

Attorney Peter F. Ferracuti graduated in the upper 3% of his class from the University of Illinois, School of Liberal Arts and Sciences, with a double major in Political Science and Psychology. Thereafter, he received his law degree from the University of Illinois Law School. Immediately thereafter he was licensed to practice in the State of Illinois. Attorney Peter F. Ferracuti is married to Janis Ferracuti and is the father of three children.

The **LAW OFFICES OF PETER F. FERRACUTI** employs approximately 35 persons, including a staff of 7 lawyers, with emphasis in Civil Personal Injury and Workers' Compensation litigation. Attorney Peter F. Ferracuti is certified to practice before the United States Supreme Court, as well as in all of the major courts in the Northern District of Illinois and several other Federal courts. His law office practice involves him in all the major counties in Illinois, including Cook County.

The **LAW OFFICES OF PETER F. FERRACUTI** are located in its own office building, Fox River Center, in Ottawa, and currently occupies two entire floors of approximately 15,000 square feet. The firm has adapted and uses the very latest in communication technology and research aids in the legal field, with its paralegal staff and accounting department being equipped with individual computers as well as other fast communication equipment.

Attorney Peter F. Ferracuti and his staff are involved daily in extensive trial litigation, as well as appeal work, having participated in numerous Appellate Court decisions. Many of these decisions have resulted in significant pronouncements in the fields of Workers' Compensation and Civil Personal Injury law, advantageous to workers and injured persons.

LAW OFFICES OF
PETER F. FERRACUTI, P.C.

CONCENTRATING IN:
**WORKERS' COMPENSATION
CIVIL PERSONAL INJURY**

**WORKERS' COMPENSATION
ADVICE**

Should an office visit be inconvenient, we will visit your home or hospital room for a free consultation.

1-888-488-4LAW
www.peterferracuti.com

Se Habla Espanol

ATTORNEY PETER F. FERRACUTI
1-888-488-4LAW
www.peterferracuti.com

ATTORNEY PETER F. FERRACUTI
1-888-488-4LAW
www.peterferracuti.com

ATTORNEY PETER F. FERRACUTI
1-888-488-4LAW
www.peterferracuti.com



WORKERS' COMPENSATION ADVICE

*The following legal advice is not intended to be a complete review of your rights under the Illinois Workers' Compensation Act. You should consult the **LAW OFFICES OF PETER F. FERRACUTI, P.C.**, if you intend to file a claim under the Illinois Workers' Compensation Act. Legislative changes may occur after this printing which could affect your rights.*

Consultation with the
LAW OFFICES OF PETER F. FERRACUTI
*is free. Call **1-888-488-4LAW.***
www.peterferracuti.com

1. An employee with a work-related injury or occupational disease is entitled to three basic benefits under the Illinois Workers' Compensation Act and the Occupational Disease Act, as follows:
 - a. Payment of all necessary medical, surgical and hospital services for the treatment of the work-related injury or occupational disease, including vocational rehabilitation where appropriate.
 - b. Compensation while the injured employees is being treated for the work-related injury or disease known as Temporary Total Disability Compensation benefits, and
 - c. Compensation for any permanent injury or other disabilities, and also including death, arising under either act.
2. Following a work-related injury or disease, report or give notice immediately of the time, place and brief description of the accident to your immediate supervisor, foreman, employer or person in charge, but not later than 45 days following the date of the accident, or within a reasonable time following the discovery of the injury. In the case of Occupational Diseases, the injured worker must notify the employer as soon as practical after becoming aware of the condition. An exception involves injuries resulting from radiological exposure, as to which the injured worker must notify the employer within 90 days after knowledge of having received an excessive dose of radiation.

3. Basically, an injured worker must file a claim for benefits with the Workers' Compensation Commission not later than three years after the accidental injury, or date of disablement from an occupational disease, or within two years following the last payment of compensation, whichever is later.

Special time limits apply in the event of death caused by injury or Occupational Disease. Check the Information Handbook published by the Illinois Workers' Compensation Commission.

Unless a claim is filed with the Workers' Compensation Commission within the required time as stated, you will be barred from claiming benefits under the Workers' Compensation Act of Illinois.

Generally, receiving medical treatment benefits, or merely being off work, without weekly compensation, does not extend the time for filing a claim, though there are exceptions.

4. Temporary Total Disability Compensation is fixed at 66 2/3 percent of the employee's gross average weekly wage for the number of weeks worked during the 12 months before the injury, subject to certain fixed minimums and maximums found in the Information Handbook.

No compensation is payable for the first three working days unless the lost time continues for 14 or more calendar days.

5. An injured worker is entitled to two choices of doctors in the treatment of a work-related injury or disease. Also, the employer or insurance company must pay for any doctors or hospitals to whom the injured worker is sent or referred by his own two choices of doctors.

Emergency room and first aid care are not considered a choice of doctor by the injured worker.

6. Permanent Disability Compensation is the complete or partial loss of a part of the body or loss of use of the body as a whole, meaning the injured worker is unable to do things with a body part he or she was able to do before the injury.

The Legislature has placed a value on the body parts which is a certain number of calendar weeks of compensation payments for each part. For example, effective 2/1/06, a leg is equivalent to 215 weeks, an arm to 253 weeks, the loss of the sight in one eye to 162 weeks, etc. The complete schedule of number of weeks allowed to various parts of the body is set forth in detail in the Information Handbook published by the Illinois Workers' Compensation Commission.

Compensation for Permanent Disability depends upon the part of the body injured and the percentage of loss of use of that body part. Compensation is based upon multiplying the appropriate number of weeks, representing the part of the body injured, by a rate, which is 60 percent of the gross average weekly wage earned by the injured worker for the number of weeks worked during the 12 months before the injury, subject to certain fixed minimums and maximums found in the Information Handbook.

7. Other Compensation Benefits cover:

- Vocational retraining,
- Loss of earning capacity or ability to earn due to accidental injury,
- Serious and permanent disfigurement,
- Total Permanent Disability Compensation, where the injured worker is rendered permanently unable to do work for which there is a reasonable stable employment,

- Death Benefits, limited to 25 years of weekly benefits or \$500,000, whichever is greater, payable to surviving spouse, child or children under age 18 or students under age 25 and to incapacitated children, or totally dependent parents,

- Penalties awarded by the Workers' Compensation Commission for frivolous and vexatious delay in payment or non-payment of temporary total disability compensation or compensation due under award.

8. If your injury or disease is work-related, insist upon Workers' Compensation Benefits rather than Group Insurance or Accident and Sickness Benefits. Remember Workers' Compensation Benefits are tax-free, whereas Group Insurance Disability payments are not.

9. Should your employer or the Workers' Compensation Insurance Company suggest a lump sum settlement, remember such a settlement closes out your case. It may end your right to further medical treatment, and terminate the right to come back before the Workers' Compensation Commission within 30 months of a Workers' Compensation Commission decision for additional Permanent Disability Compensation, should your disability increase.

In contrast, an award of benefits following a hearing before the Workers' Compensation Commission entitles the injured worker to not only Permanent Disability Compensation payment or other permanency benefits, but also preserves the right of the injured worker to return to the Commission within 30 months of a Workers' Compensation Commission decision if the disability increases, and also the right to receive treatment for the work-related injury during the remainder of the injured worker's lifetime.