



NORTHLAND  
INJURY LAW



Frequently Asked

# Questions

Workers Compensation

Kansas City • Liberty • St. Joseph



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# Fees

## What are out of pocket expenses?

Out-of-pocket costs (or advanced expenses) are the money we spend to properly put your claim together. Common examples of out-of-pocket expenses include things like the fees associated with obtaining police reports, medical records, expert witness fees, and court costs. For workers' compensation cases, the largest out-of-pocket cost we generally have is the fee we pay our doctor to review your medical records, examine you and write a report with their findings. Out-of-pocket costs on a work comp claim generally are around \$1,000.

Not all records and documents required for your case will become out-of-pocket costs. Any documents you can provide beforehand will reduce those costs. In workers compensation claims, we try to get as many records as we can from the insurance company. However, sometimes they don't have all the documents we want to fully prepare your claim and then we typically obtain medical records from your treatment providers to ensure it is the full documentation. Remember, we only get this money paid back to us IF we get a settlement for you. If we don't get you any money, you don't owe us anything for these expenses we paid up front.

## What's your fee?

Most personal injury lawyers work on what is called a "contingency fee" basis, meaning we only get paid if we get you money. If a lawyer wants to charge you up front on a personal injury matter, you may want to look at that carefully. They may be new to handling personal injury matters or don't have the resources to handle your claim. It's important that a lawyer handling a personal injury claim is well funded to properly put all the pieces in place to maximize your recovery. Northland Injury Law never charges any money up front and only gets paid if we get you money.

## How does the fee work (how does the firm get paid/when do I owe you money)?

On a worker's compensation claim, our percentage fee is 25% of money recovered for you. Again, this is only if we get money on your claim. This is the standard fee most workers compensation lawyers charge for their services.

## Is this consultation free?

Consultations with us are always free. We are happy to meet with you over the phone, by video or in person to help decide if we can benefit you on your claim. Also, it's important for you to see if you think we're a good fit for you for your injury claim.

## Am I better off without an attorney (aka why would I pay you and lose out on that money)?

You are better off with an attorney because we help you maximize your workers' compensation benefits. Studies have shown people with a lawyer get more money than those without a lawyer. Our many years of experience have proven that normally people walk away with at least 3 times more in their pocket than they would have on their own. This is **AFTER** paying us our fee. Your employer and their insurance company want to pay out as little as possible for your injury. When you hire us, we bring our expertise to the table and make sure to maximize your workers' compensation benefits, so your employer's insurance company doesn't shortchange you.

# Benefits

## How do I get my benefits?

To obtain temporary total disability benefits (TTD), you first need a workers' compensation doctor to provide you with restrictions that your employer cannot accommodate or that doctor puts you completely off work. Only a doctor authorized by the work comp insurance company can give you restrictions your employer must abide by. If you go to a personal doctor and he gives you a note to be off work, your employer does not have to put you off work because of this note. An employer does not have to pay you for the first three days you miss work because of an injury. However, if you miss more than 14 days, then they have to pay for those first three days.

## They're only paying me 2/3...

TTD is weekly payments made by the work comp insurance company while you are off work. TTD is 2/3 of your pre-injury weekly compensation. However, no matter your income, there are limits on how much the work comp insurance company has to pay you. Currently, the limit is \$1,186.51. For example, if you made \$3,000/week pre-injury, \$2,000 is 2/3 of your pre-injury compensation but you will be capped at \$1,186.51/week for your weekly TTD benefits. Also, important to know, is that if you had deductions coming out of your paycheck for health insurance, dental plan, retirement, these types of things, they will **NOT** be getting deducted from your TTD payments. You will have to pay for these items on your own while you're receiving TTD payments.

## Work hasn't paid me for my time off at all?

Temporary partial disability (TPD) benefits are paid if you're back to work making less than you normally would because of your injury. In that situation, the work comp insurance company is supposed to pay the difference between what you're making now up to the 2/3 amount. A simple example, if you normally make \$10/hour, and you're now working at \$5/hour, the work comp insurance company should pay you \$1.70 an hour to make up the difference.

## Is work supposed to pay me for time missed due to WC doctor appointments (like PT etc)?

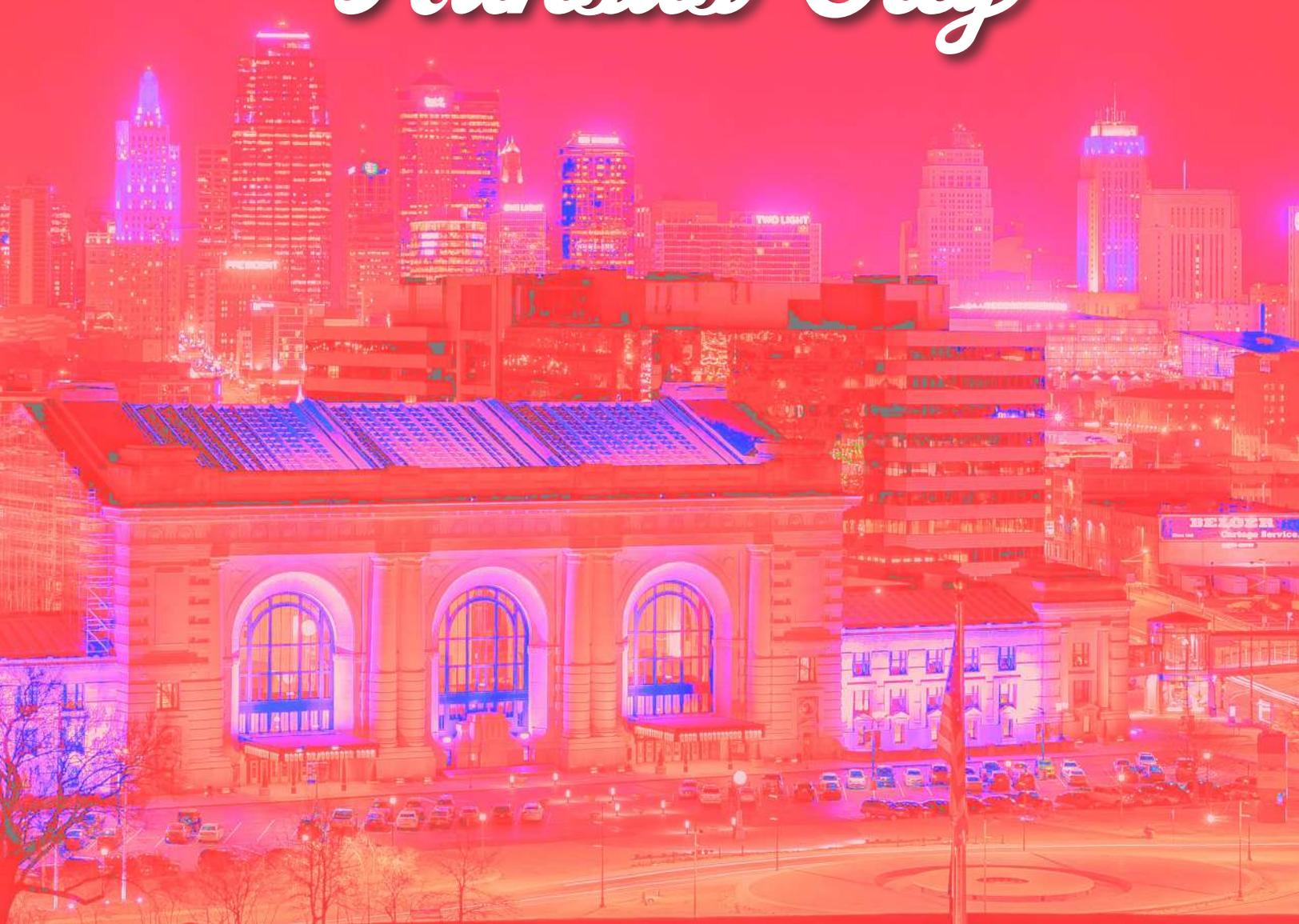
Unfortunately, the law does **NOT** require your employer or the work comp insurance company to pay you while you're at doctor's appointments, physical therapy appointments, or other medical appointments. Therefore, if you're back to work but still getting medical treatment, you will most likely want to plan those appointments around your work schedule so you don't lose out on pay. If the medical appointments are outside of the employer's metro area, you may be able to get mileage reimbursed for travel to those appointments.



*Eric  
Bartlett*

We are willing to take the risk and essentially work for free until money hits the table. We try and only get involved in cases that we know we can benefit our clients. So, if we take your case, we believe our work throughout the process will produce a good result for both you and us.

*Voted #1  
Accident  
Lawyer in  
Kansas City*





**WORK INJURY**

**1 WORKER'S DETAILS**

Title

Family name

*Worker  
Compens*

When we sign up a person as a work comp client, we go about the process of helping them through their work injury claim. One of the very first things we do is reach out to the work comp insurance company and let them know that we are now helping our injured client in the process. We make sure that benefits that should've been getting paid are on track and that the medical treatment that should be happening is on track as well.

Next, we file the claim for compensation with the Division of Worker's Compensation. This is the official filing to properly preserve the claim with the work comp division. This must be filed within two years of either the date of injury or the date of last authorized medical care. It is important that this filing happens as soon as we get involved.

As our client continues to get treatment through the work comp process, we are there alongside them to make sure things are proceeding as they should. Sometimes, the work comp authorized medical providers do not want to provide the care and treatment that our clients, and we, believe are appropriate to get our client back on the road to healing so they can get back to work. In that event, we need to step in and deal with the insurance company to get things moving for a client.

Once our client is completely done getting medical treatment through the work comp system, we then schedule an appointment with our doctor to have our client's medical records reviewed, our client evaluated by the doctor, and get a report from that doctor as to the findings of disability and whether any further treatment is required to help our client.

With our doctor's report in hand, we then provide that to the work comp insurance company, and either work on getting our injured client more treatment or settling the claim based on our doctor's disability rating.

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## **Am I going to get fired if I hire a lawyer?**

In workers compensation, you are not suing your employer. As a matter of fact, you can't sue your employer, you're limited to the work comp system. You have already made a work comp claim and now you have to decide if you want to go it alone or have help in maximizing the system. If your employer has been treating you well enough during your comp claim, getting a lawyer should not change that. If your employer has been a problem during your comp claim, then a lawyer getting involved can sometimes back them off. An employer that retaliates against you for making a work comp claim could face a completely different legal claim from you for this harassment. Keep in mind, that you still have to abide by the work comp doctor's restrictions on your ability to work. So if the work comp doctor says you can go to work with certain restrictions, then you must go to work or you could be fired and lose your work comp benefits. If the work comp doctor puts you completely off work, then you are justified in not going to work. If an employer tries to have you work outside your restrictions, this is not allowed and you very well need a lawyer to step in at that point.



*Eric  
Bartlett*

Remember, the work comp system is not in your favor. It was put in place largely to protect employers from getting sued by their employees. You're dealing with an insurance company that has one goal, to make money. They want to do all they can to pay out as little as they have to pay. So you have to be persistent in getting the benefits you should get.

## **If I get fired does that affect my claim?**

If an employer fires you without justification, or if you decide you want to quit and get a different job, you are still entitled to all of your work comp benefits. You do not have to remain at a job that you don't want to do anymore, or you believe is too physical for you at this point.

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## *Drug Testing*

### **Am I required to do a drug test or can I refuse?**

Drug tests will likely be a part of the workers' compensation process. If the employer has a drug testing policy on workers' compensation claims, or if they have reason to believe drugs played a role in your injury, then you will be required to take the drug test. However, if your drug test is a random selection and there is no prior history of testing by your employer, then you could potentially show that your employer is retaliating specifically against you for making a workers' compensation claim. However, drug testing is usually a normal part of the workers' compensation process.

### **If I don't pass a drug test, will I get denied?**

In the event of a failed drug test, your workers' compensation benefits will be reduced. In Missouri, depending on your situation, it can result in up to a 50% reduction of your workers' compensation benefits. If your drug test shows that drugs played a role in the injury, your benefits will be denied.



## **Can I get a second doctor's opinion?**

The workers' compensation system is slow and conservative with its treatment. Since you are forced to stay in the realm of workers' compensation treatment options provided by your employer, obtaining a second opinion can be difficult. Employers are under no obligation to pay for a second opinion. Sometimes, if asked, they will go ahead and get you a second opinion. Otherwise, you're on your own to try and get a second opinion but the employer is not bound by it. Obtaining a second opinion requires finding a doctor who is willing to work with someone who's injury arises from a workers' comp injury. Doctors may be hesitant to provide second opinions because health insurance companies don't want to pay for medical care that arises from work-related incidents. If a lawyer gets involved, we may be able to help apply pressure so you can obtain a second opinion. We can also have you seen by one of our doctor's for an independent medical examination and then use that doctor's opinions to fight for more evaluation and treatment for you.

## *Medical Treatment* —————

### **My employer is not honoring my work restrictions...**

An important note is that only a workers' comp doctor can provide duty restrictions that your employer has to honor. If you do seek a second opinion, your employer is not bound by any restrictions that the second doctor may order. In the event your employer tries to make you work around your restrictions, keep your restrictions on you and point them out to your employer. Keep records of instances in which they may give you a hard time about honoring your restrictions, because retaliatory behaviors from employers, such as firing someone who has restrictions, may give rise to another claim outside of your workers' compensation claim. If your employer tells you there is nothing you can do at work because of your restrictions, you need to be off work and receiving weekly workers' compensation benefits.

## *Eric Bartlett*

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Eric received his undergraduate degree from the University of Central Missouri and his law degree from Oklahoma City University School of Law. He has been practicing since 1996 and is licensed in Missouri state and federal courts. Eric has been recognized as a “Super Lawyer” for Missouri and Kansas. Eric was also recognized as one of Missouri’s outstanding young lawyers by KC Magazine and is included in The National Trial Lawyers Top 100. He is a current member of the Missouri Bar Association, Clay County Bar Association, Kansas City Metropolitan Bar Association, Missouri Association of Trial Attorneys and the American Association for Justice. Eric has completed the American Association for Justice’s Advanced Trial College for trucking litigation and is a member of the Trucking Litigation group. Eric concentrates his practice by representing people injured in semi-truck collisions, motorcycle collisions, automobile accidents, from dangerous conditions of property and for work injuries.



## *Steve Mowry*

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Steve received his undergraduate and law degrees from the University of Missouri at Kansas City. He has been practicing since 1983 and is licensed in Missouri state and federal courts. Steve has been named as a Missouri/Kansas “Super Lawyer” after a peer review survey to identify the top five-percent of lawyers in Missouri and Kansas. He has also been named as one of the top attorneys for Missouri and Kansas by KC Magazine. Steve holds the “Preeminent” rating from peer reviews through Martindale-Hubbell. He is a current member of the Missouri Bar Association and the Clay County Bar Association and also works part time as a Clay County traffic prosecutor, working to ensure drunk drivers are fully prosecuted. Steve concentrates his injury practice representing people hurt in work related accidents, motorcycle accidents and in automobile/semi-truck collisions.





**N O R T H L A N D**  
**I N J U R Y L A W**

**Contact Information:**

816.400.4878

Text 'HURT' to 22222  
info@northlandinjurylaw.com  
[www.northlandinjurylaw.com](http://www.northlandinjurylaw.com)

4151 N. Mulberry Drive Suite 225  
Kansas City, MO 64116



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