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Traps To Avoid In Your Missouri Workers Comp Case



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Hopefully you've found this book early on and can avoid mistakes that can seriously affect your injury claim. This book will help you know what it takes to get the most out of your settlement for this injury that will likely be with you for the rest of your life.

If you've been trying to deal with the insurance company blindly, don't panic, you can still learn from this book and avoid further mistakes. The sooner a person realizes the insurance company does not have their best interests at heart, the sooner that person begins making the most out of their injury claim.

For more than three decades, *Northland Injury Law* has successfully litigated personal injury claims and lawsuits in courtrooms throughout Missouri. Our experience and level of service to our clients is not just who we are; it is our competitive advantage over other firms. Insurance companies know that we will see each case through to the very end to get our clients compensated.

TRAP #1

Independent Medical Examinations (IMEs)

An “independent” medical examination, or IME, is when the insurance company has a doctor they choose see you for a disability evaluation. It is important to remember that this is not medical treatment and that these IMEs are by no means neutral or fair. The reports from these examinations are from doctors hired regularly by the insurance company and often used by the insurance company to justify a termination or reduction of your benefits. An IME should be viewed as the insurance company’s opportunity to obtain evidence to hurt your claim.

Same with a functional capacity examination, or FCE. This is when the insurance company has the injured worker go through tests to see what the injured worker can and can’t do physically. But these again are not for the benefit of the injured worker but instead are used to get the injured worker back to work. Even if the injured worker is still having pain and limitations because of their injury! The injured worker does not have to participate in these functional examinations.

The way to counter an IME is to have a doctor of your own choosing provide an evaluation and report that has your best interests in mind, not the insurance company. Normally this is accomplished through the lawyer for the employee.

TRAP #2

Signing Documents

Be wary any time the insurance company asks you to sign a document. Many times, the insurance company is not up front about the true purpose of the document, or the effect that document may have on your legal rights.

In particular, be cautious when dealing with medical release authorizations, which may give the insurance company complete access to any and all of your medical records, some of which may contain sensitive information about you and have nothing to do with your work-related injury. Many times the insurance company wants this release signed so they can try and deny your work injury claim!

These blanket authorizations can also have no time period and the insurance company can order records from 20 or 30 years ago! There are many other forms which if signed could really affect your future benefits. Signing insurance documents is always a possible trap. Beware!

Our advice is to make sure the medical authorization is limited to the body part or parts at issue in your claim. And only allows documents for a certain time period before the injury. But when in doubt, it's a good idea to ask a lawyer about what it is the insurance company wants you to sign.

TRAP #3

Recorded Statements

Sometimes, if you are not represented by a lawyer (or if the insurance company is unaware that you are represented) an adjuster may attempt to obtain a recorded statement from you. This is not in your best interest.

Often, such interviews venture into topics like immigration status, workers' compensation or personal injury claims history and unrelated personal matters. Unfortunately, if an adjuster is skeptical, a recorded interview can attempt to identify things for the insurance company so they can deny your claim. Recorded interviews must be approached with extreme caution.

When the insurance adjuster takes your statement, they are oftentimes looking for reasons to deny your claim. So, if you have a pre-existing condition, the insurance company could use this as a reason to deny your claim. Even if your medical history has no bearing on the current situation, the insurance company can and will try to blame everything on the pre-existing condition.

You may have had an issue with the same body part 20 years ago, but the insurance company will use that to their advantage. They will reduce or deny your claim saying you had prior issues with that body part, even though it hasn't been an issue for 20 years!

You must keep in mind insurance companies are looking for anything that will save them money on your claim. And what common sense tells us are completely unrelated medical issues, the insurance company will tell you because of something in your past, they don't owe you any benefits now!

The way you handle questions about pre-existing issues or medical conditions from the very beginning can have a big impact on your injury claim down the road. You must tread carefully when talking to the insurance adjuster about any prior problems you've had and other questions that "just don't seem right."

TRAP #4

Videotaping/ Investigators

Keep in mind that while videotaping you is creepy, and an invasion of your privacy, it is not illegal. Most often, videotaping is done by a private investigator retained by the insurance company or employer.

It is extremely common for the insurance company to use the product of a videotaping investigation to allege that the employee has the physical ability to do some work as is demonstrated by activity captured on videotape. Oftentimes, an investigator will speak with your neighbors, your coworkers, or even your family and friends in an attempt to gather damaging information, whether accurate or not.

So while you're out doing things that are not against any of your medical restrictions, the insurance company may have somebody videotaping your movements to try and prove you are not experiencing the pain and limitations that you do in fact have! Somewhere down the work comp process they will bring this video out to allege you are fine, or even worse, allege you were faking your injury!

TRAP #5

Social Media

Insurance companies, and the private investigators they hire, have excellent technology to research computer databases including social media to snoop on injured workers. What is a public record, or what an injured worker makes public, is fair game for the insurance company to view.

Any information you put on Facebook, or other social media websites, should be considered public for purposes of your work comp claim. Do not put information, including photographs, on social media that may be embarrassing or will require explanation, in light of your work – related injury. Assume that every bit of information you post on social media is open to the general public and a private investigator!

We have seen where insurance companies will pull an older picture posted before a work injury and then use it to claim the injury could have happened outside of work. They might argue the injured worker had a physical lifestyle before this work injury and so the injury couldn't have happened at work, it must have happened before! As crazy as that sounds, you can never put it past an insurance company to do what they can to not pay a claim!

Conclusion

Many injured workers can get through the system and get their medical treatment provided and get weekly benefits without too much hassle (although many run in to issues along the way). But then, when the “company doctor” releases the injured worker from medical care, that’s when things go off track.

The injured worker may still have many problems with their injured body part and may need more treatment. Or, if they are healed up and it comes time for the disability settlement the injured worker is entitled to under Missouri law, that’s when the wheels really fall off. At that moment, the injured worker quickly realizes the deck has been stacked against them. No longer do things seem fair as insurance adjusters tell the injured worker the “company” doctor says they don’t really have any remaining disability and the insurance company offers them a trivial amount of money to settle the claim. That’s when the injured worker is left wondering, “is this it?” “Do I just have to take this small amount of money offered by the insurance company and live with the my disability?” We are here to tell you, it is not the end of the road!

If you have more questions after reading this, please call our offices today at 816-400-4878 or fill out the contact form on our website so we can talk with you and answer your questions. We’ll use this time to get to know you, learn about your case, and inform you about your legal options so you can go forward with confidence.



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I N J U R Y L A W

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