

INJURY-RELATED LEGAL SERVICES PROGRAM



The only statewide law firm endorsed by CSEA to represent members and their families for injury-related legal services.

WORKERS' COMPENSATION
PERSONAL INJURY
SOCIAL SECURITY DISABILITY
NYS DISABILITY RETIREMENT
VETERANS DISABILITY BENEFITS



CSEA LEGAL SERVICES PROGRAM *Injury-Related Matters*

The CSEA Legal Department oversees the Legal Services Program and for *over 25 years* has endorsed the statewide law firm of **Fine, Olin & Anderman (FOA)** to represent members and their families for the injury-related services described below.

Workers' Compensation

If you are injured on the job or suffer from a work-related illness, FOA will help you file the necessary paperwork to establish your claim at the Workers' Compensation Board. An attorney will provide legal representation for your case and a legal assistant will be your contact for any workers' compensation questions related to your case. There is no attorney's fee payable by you unless an award is made by the Workers' Compensation Board.

Personal Injury

If you are injured in an accident as a result of someone else's carelessness, (other than an employer or fellow employee), you may have the right to seek monetary damages for injuries resulting from that accident.

Some examples of accidents include:

- ✓ Auto accidents
- ✓ Pedestrians struck by a motor vehicle
- ✓ Bicycles, boats
- ✓ Slip (or trip) and fall downs
- ✓ Dog bites
- ✓ Construction work
- ✓ Defective or unsafe products
- ✓ Medical malpractice
- ✓ Other liability case with significant personal injuries.

There is no legal fee payable unless FOA is successful in recovering money on your behalf. If the case is favorably resolved, the law firm usually receives 1/3 of the net settlement.

Social Security Disability (SSDB)

If you cannot work for at least one year due to any medical condition, you may be eligible for SSDB. FOA will help you with the necessary paperwork to file your claim. If you are denied, an attorney can provide legal representation for an appeal. No upfront payment is required. *FOA only receives a fee if successful in obtaining SSDB for you at the initial or appeal level.*

New York State Disability Retirement

If you have medical documentation that you are unable to perform your duties due to a permanent physical or mental injury or accident, you may be eligible for a NYS disability retirement benefit.

To qualify for a disability retirement benefit, you must have at least **ten years** of credited service, unless your disability results from an accident you sustain on the job. If your disability results from an on-the-job accident, not due to your own negligence, there is no minimum service requirement. Whether an incident is considered an "accident" is determined on a case-by-case basis using court decisions for guidance. To obtain an application and estimate of your pension benefits, call the NYS Retirement System at 1-866-805-0990. **If you are denied**, FOA can represent you for an appeal and seek to have you awarded benefits. *There is an upfront fee for FOA legal representation for your disability retirement appeal.*

Veterans Disability Benefits

You may be eligible for compensation if you were wounded, injured, became ill while on active duty, or have been diagnosed with a disease, post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI) relating to your service in the Armed Forces. Pre-existing injuries or illnesses aggravated by military service may also be covered. **If you have applied for veterans disability benefits and were denied, FOA can represent you for the appeal.** There is no upfront fee for FOA legal representation. FOA only receives a fee if successful with your appeal. FOA fees are paid from the benefits that the veteran receives.



Call CSEA at
1-800-342-4146

You will be connected to
Fine, Olin & Anderman, LLP (FOA)



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SOCIAL SECURITY DISABILITY BENEFITS (SSDB)

Social Security Disability Benefits (SSDB) provide monthly payments to workers who meet the Social Security Administration's definition of "disabled".

- ◇ Every disability you have, not just work-related accidents and illnesses, is considered by Social Security in determining eligibility for benefits.
- ◇ If accepted, you will receive what you would get in regular social security benefits if you were at your full retirement age on the date you applied.
- ◇ You are eligible for Medicare after being on SSDB for two years.

Eligibility requirements:

- ✓ You must be unable to do any substantial, gainful work due to a physical or mental impairment which is expected to last for at least one year.
- ✓ As a general rule, if you are over the age of 30, you must have worked five out of the last ten years preceding the onset of your disability and have contributed to Social Security during that period.

1. Initial application:

- ◇ If you believe you will be out of work for at least one year, call CSEA to be connected to FOA at 1-800-342-4146. A SSDB legal assistant specialist will answer questions regarding your eligibility and help you with the information you will need for the application.
- ◇ FOA can file the application for you and will receive a percentage of your retroactive money if successful. You can file the application on your own by applying in person at your local Social Security Administration office, by phone at 1-800-772-1213, or online at www.socialsecurity.gov.

2. If your claim is denied:

- ◇ Call CSEA to be connected to FOA at 1-800-342-4146. An appeal must be filed within 60 days of the initial denial. FOA will file the appeal and you will be assigned an attorney who will represent you at hearings and a legal assistant who will answer your questions and follow up on your case. *If successful, FOA will receive a percentage of the retroactive money.*

KNOW YOUR RIGHTS! WORKERS' COMPENSATION

1. Notify your supervisor of the accident as soon as possible.

- ✓ Under the law, you have 30 days to notify your supervisor but it is suggested not to wait that long.

2. Get medical treatment.

- ✓ You have the right to be treated by a physician of your choice who accepts workers' compensation.
- ✓ Be sure to tell the physician it is a workers' compensation case.
- ✓ Your treating physician must file the medical report with the Workers' Compensation Board.
- ✓ No claim can be established without medical treatment.

3. File a WCB C-3 form (Employee's Claim for Compensation).

- ✓ Call CSEA to be connected to FOA at 1-800-342-4146. FOA will help you fill out the C-3 form over the phone or computer. You will also be sent documentation to sign so FOA can represent you for your workers' compensation claim.
- ✓ After you return the signed documentation, FOA will file your claim (C-3 form) at the Workers' Compensation Board.
- ✓ An FOA attorney will represent you at all workers' compensation hearings and you will also be assigned an FOA legal assistant.
- ✓ There is no attorney's fee payable by you unless an award is made by the Workers' Compensation Board.

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