

# Workplace Injury Guide For Members Of Council 62



Association Of Flight  
Attendants/Communication  
Workers Of America

CAL Membership,

This is a resource for you to utilize when dealing with an On-the-Job Injury (OJI). The company has hired Gallagher-Bassett to handle OJI claims filed by employees. It has been our experience that Gallagher Bassett can deny claims and make this already stressful process of filing an OJI with the company almost impossible to navigate.

The firm of Livingston, Siegel, Dimarzio and Baptista LLP has represented our Flight Attendants against Gallagher-Bassett in the past. You can call them anytime at 973-661-4545 and they will answer any questions that you may have. They understand the nature of our job and the special circumstances that we encounter when dealing with an OJI. We support and recommend these lawyers as they are an independent entity from the company and are truly representing us and our interests.

If you utilize this resource during your OJI, you do so at no initial cost to you. The lawyers only get paid at the end of a case and only if you win. In addition, Workers' Compensation attorney fees are never more than 20% of what you recover, and fees are usually only 8% of what you receive.

If you run into any problems at any point during your OJI, please do not hesitate to contact the Union's grievance committee or us at 973-681-0086, or dial 1-855-4CALAFA. We are here to help you navigate through the red tape and make sense of your OJI claim. Below are some pictures so you can easily find us. Please also see our website.

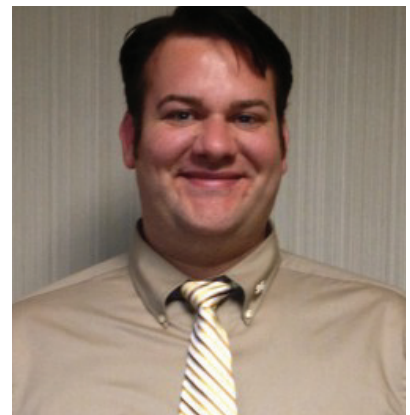
Fraternally,  
JOEY GUIDER  
PRESIDENT



SHAUN MCNULTY  
Vice President LEC 62



JOEY GUIDER  
President LEC 62



DAVID JANOUSEK  
Secretary LEC 62)

# WORKPLACE INJURY GUIDE FOR MEMBERS OF COUNCIL 62 - ASSOCIATION OF FLIGHT ATTENDANTS/COMMUNICATION WORKERS OF AMERICA

## **INTRODUCTION**

This booklet provides you with an explanation of your rights when you are injured at work or suffer a work related illness. While focusing on Federal and New Jersey Law, we also describe the interaction of these laws with the contract ("The Agreement") between the Association of Flight Attendants ("AFA/CWA or the Union") and United Airlines, Inc. ("United"). Sometimes New Jersey and Federal Laws are different from your contractual rights. Sometimes your Agreement, particularly in the area of Leave of Absence for work related injuries, is far superior to rights created by law.

At the end of this booklet, we have included documents which you may use in pursuing your rights. Of course, this booklet is not intended as a substitute for the advice that you will receive from Council 62 of AFA/CWA representatives who, collectively, have decades of experience bargaining with Continental and United. Each Union member is confronted with different facts and this booklet is not intended as a substitute for legal advice.

## WHAT TO DO IF YOU ARE INJURED AT WORK - REPORT THE ACCIDENT

If you are injured or suffer an occupational disease, you should immediately file an Occupational Injury Form LOA 26-5 (See attachment A). You should also call 1-877-924-7563 to report a new accident or occupational illness even if you do not plan to miss work, even if the accident was your fault, and even if you do not immediately need medical treatment.

## IF NEEDED, REQUEST MEDICAL ASSISTANCE

If you need medical treatment, you should contact Gallagher Bassett or go to the Health Clinic. Gallagher Bassett, the third party administrator for United, has the right to decide which doctor or hospital treats you unless you have a medical emergency.

If you believe that you need medical treatment and your supervisor or Gallagher Bassett refuses to send you to the clinic or a doctor, you should seek treatment on your own. It is generally better to see a physician who is Board Certified in the specialty for which you need treatment. It would be best if that physician also works in New Jersey so that the doctor will be available to testify in court in the event medical testimony is necessary in your case. Make sure to tell the doctor how you were injured at work. Keep copies of any reports and testing results. If you have an X-ray, MRI or CT Scan, ask for a copy of the film. You may have to pay for this treatment from the doctor you selected or you may try to use your private health insurance. If it is determined that the treatment you sought on your own improved your work related condition, the Workers' Com-

pensation Judge may order United to reimburse you for the treatment, pay any unpaid bills, and order that future treatment be provided to you.

If you are denied treatment for a work related injury or illness, we will ask your physician to write a letter which answers the following questions:

- ① What is the patient's diagnosis?
- ② Is the patient totally disabled from work at this time?
- ③ In your opinion, and in light of the history that the patient gave you, was the injury or illness caused, aggravated, or accelerated by his/her work?
- ④ Does the patient now need treatment? If so, what treatment?
- ⑤ How much is your bill?
- ⑥ Has your bill been paid? If so, by whom?
- ⑦ If not, would you be willing to treat the patient if United paid you?

This letter from your physician will be attached to a Motion that your attorney will file in the New Jersey Division of Workers' Compensation seeking both treatment for your injury or illness and Temporary Workers' Compensation Benefits from United.

**IF YOU CANNOT WORK WHILE RECOVERING FROM AN "ON THE JOB INJURY" YOU ARE ENTITLED TO BENEFITS FOR THE PERIOD YOU ARE OUT OF WORK.**

The laws of New Jersey provide that you are entitled to Temporary Workers' Compensation Benefits for the period that you are: (1) Not able to work, even at a light duty position; AND (2) under active medical treatment. Temporary Workers' Compensation Benefits start after the seventh day that you are unable to work at which time you will receive 70% of your lost wages going back to the first day that you are out of work. These benefits are not considered taxable income. In 2012, the maximum benefit for the Temporary Disability Benefits is \$810 per week.

**The Agreement also provides benefits for injured Flight Attendants from the Sick and Occupational Injury Bank:**

You will be paid 30% of wages by United until verified that you have returned to work or your lost time exceeds 7 days. If you return to work within the first 7 days, United will pay 100% of your wages provided sufficient hours are in your Occupational Injury Bank. If you exceed the 7-day waiting period, you will continue to receive pay at 30% from United. Once you exceed the 7-day waiting period and Gallagher Bassett approves your claim, they will pay you approximately 70% of your average weekly wage up to a maximum compensation rate. Benefits paid by Gallagher Bassett are based on the last 26-weeks of wages prior to your injury and United provides the wage statement.

Gallagher Bassett issues checks every 14 days after making the initial payment. If you do not receive payment, contact your Gallagher Bassett adjuster as soon as possible. You may also use Sick bank hours your Occupational Injury Bank runs out. ( The Agreement, Occupational Injury Pay, Letter of Agreement, 26-6-70).

### TEMPORARY DISABILITY BENEFITS WILL BE AVAILABLE FROM THE STATE OF NEW JERSEY WHILE THE ISSUE OF TEMPORARY WORKERS' COMPENSATION BENEFITS AND MEDICAL TREATMENT IS BEING LITIGATED IN COURT

If United disputes that you suffered a work related injury which is causing you to lose time from work and you do not have sufficient hours in your Occupational Sick and Injury Bank, you may immediately file for State Disability Benefits ( "TDB"-see attachment B). The State TDB form must be completed by you, by your doctor stating that you cannot work, and by United which reports how much money you earned in the 26 week period prior to the injury. TDB benefits are paid for 26 weeks. In the box on the TDB application form where you are asked if the injury or illness is work related (Question 17), you should check "yes." The New Jersey Division of Temporary Disability Insurance will require that you file a Workers' Compensation Claim Petition as a condition of your receiving TDB. Your lawyer will then file a Certification of Contested Workers' Compensation Claim form on your behalf and you will then be entitled to TDB benefits retroactive to the first date you were unable to work. (See attachment C)

### JOB SECURITY FOR FLIGHT ATTENDANTS INJURED OR SUFFERING FROM WORK RELATED DISEASES

United, like all other New Jersey Employers, may not discriminate against workers who file for Workers' Compensation or pursue any other rights under the Law or The Agreement. As a practical matter, in our experience, injured workers have rarely been discriminated against when they have filed for Workers' Compensation benefits. There are a number of laws and provisions in the Agreement prohibiting discrimination against injured workers in New Jersey:

FIRST, the Agreement provides as follows:

Leaves of absence required due to occupational injury will be granted upon written verification from a qualified medical doctor. Any such leave may not exceed the lesser of: (1) the period of disability, or (2) six (6) years, or (3) the flight attendant's total length of active service. While on this type of leave the flight attendant accrues seniority for all purposes. At the end of the maximum period, the flight attendant will be administratively terminated and removed from the System Seniority List. (The Agreement, Section 14, C, 2)

The Agreement is superior to the Federal Family and Medical Leave Act.

SECOND, the Agreement requires that no Flight Attendant may be fired except for just cause.

THIRD, the New Jersey Supreme Court has ruled that retaliation against workers for pursuing rights created by State Laws violates the New Jersey Constitution.



FOURTH, New Jersey's Workers' Compensation Laws prohibit discrimination of any kind by United against you for seeking Workers' Compensation benefits. Additionally, the Judges of Workers' Compensation are highly regarded jurists and will not look kindly at discrimination because a worker is seeking benefits under a law they are sworn to uphold.

FIFTH, the New Jersey Law against Discrimination also gives Flight Attendants additional protections. This law states that as long as you can perform the essential functions of your position with a reasonable accommodation, which United is required to provide, you must be allowed to work. The injuries for which an accommodation must be made include a very wide range of problems, such as residuals from heart attacks. New Jersey imposes on an employer the obligation to give such injured Flight Attendants reasonable accommodations, which can include many forms of assistance. However, an essential function of being a Flight Attendant would probably involve being able to perform all of the FAA required duties.

Therefore, it is clear that Flight Attendants should not be discriminated against for exercising their rights under the Agreement, the laws of the United States, or the laws of New Jersey.

## WORKERS' COMPENSATION - HOW, WHEN, AND WHY TO RETAIN AN ATTORNEY

The sooner you consult with an attorney, the better. Even if you decide that you do not want to proceed with a Workers' Compensation case, it is wise to speak with an attorney.

There is a two-year statute of limitation that applies to Workers' Compensation cases. A formal claim petition must be filed within two years of the date of injury or the date of last payment of compensation, whichever is later. Medical treatment authorized by Gallagher Bassett or United is considered a payment of compensation. In cases of occupational illnesses, for example, carpal tunnel syndrome, asthma, or hearing loss, the claim petition must be filed within two years from the date the worker first became aware of the condition and its relationship to employment.

In a typical case, no sooner than six months after you have completed your treatment, you will be sent to our medical specialist for an examination and United will authorize you to be examined by its medical specialist. Usually, one has to wait about three months just to get these examinations. Therefore, it is very important that you keep all the examination appointments or reschedule the examination if the scheduled date conflicts with work or cannot be kept for other reasons. If you miss the United examinations, its attorneys will immediately file a Motion to Dismiss your case, arguing that your case should be dismissed because you have not fulfilled your obligation to be examined by United's medical expert. Judges of Workers' Compensation often are understandably impatient with injured workers who have missed examinations.

## PERMANENT PARTIAL DISABILITY BENEFITS

Permanent Partial Disability Benefits is an amount of money to compensate you for the loss of function you have suffered from the work related disability. This loss of function is sometimes identified by a percentage of the loss of function of the specific body part injured. The particular percentage of the award in your case will depend upon many things, including the amount of time you were out of work, how the injury impacts your ability to perform your job and how it affects your personal life. The Judge of Workers' Compensation may award a Flight Attendant, whose job requires the ability to protect the health and safety of passengers on the plane, more money than an attorney, for example, who doesn't perform physical tasks as part of his/her job.

Workers' Compensation benefits are not considered taxable income and are usually paid over a period of time. Most cases are resolved in about one to three years after treatment is completed. Of course, you are still expected to work for United after you receive a permanent partial disability award.

The attorneys' fees in Workers' Compensation cases are contingent; thus, there are no attorneys' fees if you do not win. There is no retainer agreement to sign and only a Judge of Workers' Compensation can award an attorneys' fee limited to no more than 20% of your award. Most often, the majority of that 20% fee is paid by United and you pay only 8%.

## PERMANENT TOTAL DISABILITY BENEFITS

If your injury is profound and prevents you from working, you may be entitled to permanent total disability benefits for the rest of your life. If the reason you are determined to be totally disabled is a combination of the results of your work-related injury and some illness, injury, or disease which pre-existed your work-related injury, you will be paid partially by United and partly by the State of New Jersey Second Injury Fund.

## SOCIAL SECURITY DISABILITY

- ✓ You may also be entitled to Social Security Disability if you cannot work.
- ✓ You should apply for Social Security Disability where you live. If you live in New York or New Jersey, it may be advisable to retain an attorney from the beginning of your Social Security Disability case.
- ✓ In order to qualify for Social Security Disability, you must be considered totally disabled from performing any substantial, gainful work and you must be disabled or expected to be disabled for at least 12 months. The Social Security Administration (SSA) may consider other sources of income, such as Workers' Compensation benefits, in determining the amount of a disability entitlement.
- ✓ Your local Social Security office will supply all necessary applications and provide assistance in completing all forms for Social Security Disability.

- ✓ In the event that you are turned down by the SSA, you may request a Reconsideration of its decision within 60 days. If the Reconsideration is denied, you should retain an attorney within 60 days to determine if it would be a good idea to request a hearing before a United States Administrative Law Judge who will review the entire file and conduct a hearing.

## LONG TERM DISABILITY

Flight Attendants are eligible to buy long term disability coverage from the Aetna Long Term Disability Plan. Aetna takes the position that New Jersey Workers' Compensation payments are "taken into account" in calculating monthly benefits under its long term disability plan.

## PENSION

Flight attendants who are covered by the United Retirement Plan ("The Pension Plan") and who become totally disabled may be eligible for a disability pension. The Administrative Committee of The Pension Plan has the power to determine eligibility for disability pensions.

Disability is defined in The Pension Plan as:

Disability: In the case of an illness or injury sustained by a Participant prior to attainment of age 55, his or her total and presumably permanent inability to perform the duties of any occupation or employment due to such illness or injury. In case of an illness or injury sustained by a Participant on or after attaining age 55, his or her total and presumable permanent inability to perform the duties of his or her actual or any comparable occupation or employment due to such illness or injury.

The Pension Plan, page I-6.

The amount of the disability retirement payment is set forth at Section 5.1.4; page V-3 of the Pension Plan:

### 5.1.4 Disability Retirement Benefits

(a) A Participant's benefits following:

Disability Termination shall be equal to his or her Accrued Retirement Benefits determined on the basis of the Participant's (a) Final Average Compensation on his or her date of disability; (b) Average Social Security Wage Base determined as his or her date of disability; and (c) total Credited Service and Vesting Service he or she would have completed had he or she remained in active employment until the earlier of Normal Retirement date or date of Early Retirement if elected by the Participants; and reduced to reflect the actuarial cost to the Plan, if any, of providing preretirement death benefit protection for the Participant under 7.1. The Participant's Benefit Commencement Date under this Section 5.1.4. shall be his or her Normal Retirement Date; provided, however, that such a Participant may elect in accordance with rules established by the Administrative Committee to commence receiving actuarially reduced benefits as of the earliest date he or she would have been eligible for Early Retirement.



## UNIQUE PROBLEMS WITH GALLAHER BASSETT AND UNITED AIRLINES

Flight Attendants sometimes report that they have a difficult time with a few of the Gallagher Bassett adjusters handling their Workers' Compensation cases. We welcome your comments and questions concerning these issues.

### THIRD PARTY LIABILITY

Some work related accidents which are caused by parties, other than United or fellow United employees, may give rise to a separate liability claim, in addition to a claim for Workers' Compensation benefits. An example may help to explain this. If a Delta Airlines plane is on the wrong runway because of the Delta pilot's error, forcing the United plane to swerve and resulting in injuries to a Flight Attendant, Delta may be liable to the injured United worker for the Delta pilot's negligence.

The advantage of pursuing such a liability claim is that an attorney is often able to obtain much more money for you than in a Workers' Compensation case alone. In a liability case, a jury decides your case and juries can award damages for pain and suffering and therefore are not limited by the schedule that controls Workers' Compensation in New Jersey.

### HOW OUR LAW FIRM WILL REPRESENT YOU AND WHO WE ARE

We thought we should introduce our law firm and explain how we represent Union Members who decide to retain us.

### HOW TO PROCEED WITH A CASE The Initial Telephone or In Person Interview

Generally the initial interview with our firm can be completed over the telephone or in person in about 30 to 60 minutes.

After the initial interview, we will send you a Claim Petition, which is the document that gets your case started in court. The Claim Petition can be sent by email, by facsimile or by regular mail. You must have your signature on the Claim Petition notarized before by a Notary Public or a New Jersey Attorney. You will also be asked by our law firm to complete a longer questionnaire. You will also need to sign medical releases so that we can obtain your treating records. Upon receipt of the signed and notarized Claim Petition, it will be filed electronically with the Division of Workers' Compensation.

If you wish, we can meet you at our office in Nutley, New Jersey, which is about 30 minutes from the Newark Airport. We can also meet you at the Airport or in downtown Newark.

If you have questions about your case, you can call us at any time. If we are not available when you call, our paralegals and secretaries are very helpful and can answer most of your questions. Generally, our lawyers are in Workers' Compensation Courts or at union arbitration hearings every single day. As a result, the best time to reach us is in the afternoons between 2:00 p.m. and 5:30 p.m. Our toll free number is 1-800-246-WORK (9675). You can utilize this toll free number from anywhere in the continental United States.

## WHO WE ARE

Our firm represents Union Members in many other Unions in New Jersey and New York. Most of our Union member clients are well educated, have worked for the same company for many years, and want to get back to work as soon as possible after a work related injury. Frankly, this makes our jobs as lawyers much easier. Judges respect our clients' work ethic and the New Jersey and Federal law favors people going back to work quickly following work related accidents.

The partners of our Firm have been representing injured workers and unions in labor law matters for more than a collective 130 years. We chose to represent workers and their Unions because we believe in them. Our firm has always been on the frontline of making changes to the laws that impact on workers in New Jersey. We were involved with the 1980 Amendments to the New Jersey Workers' Compensation Law that provided for higher payments to seriously injured workers; with the 2004 Amendments that eliminated anti-worker provisions in the law and provided for greatly enhanced benefits for surviving families of workers killed on the job. In 2008, we were instrumental in the passage of more laws which gave greater powers to Judges of Workers' Compensation to force compliance with the law.

Frank DiMarzio has practiced Workers' Compensation Law since he began his career as an attorney over thirty-nine years ago. Named by the New Jersey Law Journal as a "New Jersey Super Lawyer" starting in 1995, Mr. DiMarzio is well-known and well-respected among the entire state. A significant percentage of Mr. DiMarzio's cases are referrals to him by other lawyers.

Mr. DiMarzio is a Vice-President of the New Jersey Committee on Safety and Health.

Mr. DiMarzio has won three cases for injured workers before the New Jersey Supreme Court, which have broadened the rights of all working people. Mr. DiMarzio attended Rutgers University, where he also obtained his law degree.

Ronald H. Siegel has been a worker-side Workers' Compensation trial attorney in New Jersey for over thirty-five years. Mr. Siegel worked as a claimants' attorney for a major law firm and eventually chose to manage his own successful private practice for nine years before joining as a Partner with Livingston Siegel DiMarzio in 2008. Mr. Siegel has handled thousands of Workers' Compensation and personal injury cases to conclusion, especially in the courts of Northern New Jersey. He is also a Vice-President of New Jersey COSH.

During Mr. Siegel's legal career, he spent a short time as house counsel for a major insurance company. He has used this experience to gain useful insight into the inner workings of an insurance company and because of this, he understands the reasons why certain decisions are made by insurance company claims adjusters. Mr. Siegel utilizes this knowledge in preparing his cases for both settlement negotiations and for trial.

Mr. Siegel received his LL.B. from the University Of Baltimore School Of Law. Mr. Siegel volunteers his time in emergency rooms and foster care programs. In the early part of Mr. Siegel's legal career, he was with the Baltimore Public Defender's Office. During this time, he represented indigent defendants in a variety of cases including major felony offenses.

Craig Livingston joined Local 371 American Federation of State County and Municipal Employees (AFSME) in 1967. Mr. Livingston was drafted and served in Vietnam as a truck driver. He went to Rutgers Law School directly from Vietnam. Mr. Livingston began his career representing United Auto Workers. When one of the UAW Locals was faced with a plant shutdown, he worked on a 1982 buyout of the General Motors plant using an Employee Stock Ownership Plan (ESOP). Over the next 18 years, Mr. Livingston worked on about 15 other ESOPS.

In 1993, Mr. Livingston founded and became President of the New Jersey COSH, the Advisory Council on Health and Safety, a coalition of Unions, Workers' lawyers, and Workers' doctors. New Jersey COSH fights for pro-worker legislation and writes friend of the court briefs to the New Jersey Supreme Court on issues that impact workers. New Jersey COSH has grown over two decades to be the leading legal voice for injured workers in New Jersey.

Mr. Livingston has been designated by the New Jersey Supreme Court as a Board Certified Workers' Compensation lawyer and specializes in labor law as well as catastrophic injuries and diseases caused by work.

Dennis Baptista has over twenty five years of experience, Dennis Baptista has earned a well-deserved reputation among the Worker's Compensation bar for being a respected practitioner of great integrity and skill. Mr. Baptista has litigated numerous complicated Worker's Compensation cases including claims involving accidental injuries, occupational diseases, repetitive motion injuries, total permanent disability and work related death. He is a frequent speaker for the New Jersey Institute for Continuing Legal Education where he instructs other lawyers in the handling of Worker's Compensation claims. He went to Rutgers and its Law School.

Our semi-retired Partner Lynne P. Kramer was the Managing Partner of the Firm until 2006. Ms. Kramer continues to handle complicated grievances and arbitrations that arise in Union workplaces. Ms. Kramer's greatest skill, based on her decades of experience, is her ability to cut to the heart of matters and suggest practical resolutions that all parties involved can live with. Ms. Kramer graduated Summa Cum Laude from Montclair State University and received her law degree from Rutgers Law School.

## CONTACT US

Livingston Siegel DiMarzio Baptista, LLP

661 Franklin Avenue

Nutley, New Jersey 07110

Tel. No.: (973) 661-4545

Fax No.: (973) 661-4646

Toll Free No. : ( 800) 246-WORK (9675)

Email: [clivingston@workplacelawyers.com](mailto:clivingston@workplacelawyers.com)

Website : [www.workplacelawyers.com](http://www.workplacelawyers.com)

## NOTICE

Your Union wants you to be aware that this law firm provides representation that may be helpful to you. Your Union, however, is not a party to any agreement entered into by you and this law firm and is not responsible in any way for the services provided to you by this law firm.

## ATTACHMENT "A"

### Helpful Information While Out On Occupational Injury EWR, NTA, NLS Bases

Employee \_\_\_\_\_ # \_\_\_\_\_  
Supervisor \_\_\_\_\_  
Phone \_\_\_\_\_  
Supervisor email address \_\_\_\_\_

Administration / OPS Fax: 973-681-1460  
Report new injury 1-877-924-7563  
Gallagher Bassett Services, PO Box 405, Parsippany, NJ 07054  
Phone #: 973/644-5900 Fax #: 973/644-5914 or 800#: 800-683-0631

Kate Ball, WC Supervisor ext. 257 or 973/644-5957

E-Mail: [Kate\\_Ball@gbtpa.com](mailto:Kate_Ball@gbtpa.com)

Clarissa Richardson, Sr. Claims Adjuster ext. 226 or 973/644-5957

E-Mail: [Clarissa\\_Richardson@gbtpa.com](mailto:Clarissa_Richardson@gbtpa.com)

Christina Grant, Sr. Claims Adjuster ext. 210 or 973/644-5926

E-Mail: [Christina\\_Grant@gbtpa.com](mailto:Christina_Grant@gbtpa.com)

Vanessa Montgomery, Sr. Claims Adjuster ext. 213 or 973/644-5913

E-Mail: [Vanessa\\_Montgomery@gbtpa.com](mailto:Vanessa_Montgomery@gbtpa.com)

Krystyna Boud, Sr. Claims Adjuster ext. 256 or 973/644-5956

E-Mail: [Krystyna\\_Boud@gbtpa.com](mailto:Krystyna_Boud@gbtpa.com)

Barbara Voboril, Temporary Claims Adjuster ext. 219 or 973/644-5919

E-Mail: [Barbara\\_Voboril@gbtpa.com](mailto:Barbara_Voboril@gbtpa.com)

Viviana Garchitorena, Med Only Representative ext. 232 or 973/644-5932

E-mail: [Viviana\\_Garchitorena@gbtpa.com](mailto:Viviana_Garchitorena@gbtpa.com)

Any issues or problems regarding Gallagher Bassett please contact  
Workers Compensation & Medical Programs:

EWR, NTA, NLS – Ava Parker 713-324-5222 / [APARKE01@coair.com](mailto:APARKE01@coair.com)

CLE, IAH, HOS, HTA, LAX - Karen Young 713-324-5361

[Kyoung@coair.com](mailto:Kyoung@coair.com) fax for both is 713-324-2631.

Ryan Price Managing Director Workers Compensation & Medical  
Programs 713-324-5699 / [rprice2@coair.com](mailto:rprice2@coair.com).

LOA 26 - 5 Occupational Injury Pay



## ATTACHMENT “B”

### DIVISION OF TEMPORARY DISABILITY INSURANCE CLAIM FOR DISABILITY BENEFITS (DS-1)

**DETACH THIS PAGE AND KEEP FOR YOUR RECORDS**

### CLAIMANT RIGHTS AND RESPONSIBILITIES

#### RULES FOR FILING A CLAIM AND APPEAL RIGHTS

1. It is **your** responsibility to file this claim form promptly **after** you stop working due to your disability. Filing your claim before your last day of work will delay its processing. The law requires that claims must be filed within 30 days after the beginning of the disability. **Benefits may be denied or reduced if the claim is filed late.** If your claim is filed beyond the thirty day period, please use the space provided on the reverse side of Part A to give your reasons for the late filing.
2. If you disagree with a determination on your claim and wish to appeal, you must do so in writing within ten days from the date the decision was mailed. You do not need a lawyer at the appeal hearing.

#### CLAIMANT RESPONSIBILITIES:

1. Your signature certifies that you understand any misrepresentation of fact or failure to disclose a material fact may be punishable under the law. This includes any changes to the Medical Certificate or the Employer’s Statement made by you without authorization by your physician or your employer.
2. You must inform us of any other payments you are receiving such as sick pay or wages, a pension from your last employer, worker’s compensation benefits, Social Security Disability benefits, or disability benefits from your employer or union.
3. If you receive a request for continued medical certification (Form P30), you must have your physician complete and sign the form. You should return it promptly.
4. When you recover or return to work, you must report this date immediately to the Division of Temporary Disability Insurance.
5. If you are requesting voluntary Federal Income Tax (F.I.T.) deductions to be withheld from your disability benefits, attach Form W-4S (Request for Federal Income Tax Withholding From Sick Pay) to your claim. Forms should be obtained from your employer or the Internal Revenue Service.
6. If your home and/or mailing address changes, you must notify the Division of Temporary Disability Insurance, PO Box 387, Trenton, NJ 08625-0387 immediately in writing. Notification must include your Social Security Number and signature. Disability checks cannot be forwarded by the Post Office.

#### CLAIM ASSISTANCE:

If you require any assistance with your claim, call:

- **Customer Service Section (609) 292-7060.**
- **Telecommunication Device for the Deaf (TDD) (609) 292-8319**
- **New Jersey Relay Service: TT user 1-800-852-7899**  
**Voice User: 1-800-852-7897**

**Division of Temporary Disability Insurance FAX number: (609) 984-4138**

**For additional information about the Temporary Disability Benefits Program, visit our website at:**  
**[www.nj.gov/labor](http://www.nj.gov/labor) (Go to Benefits, Temporary Disability)**

.....

**NOTE:** If your disability is expected to last for one year or longer, you may be eligible for Federal Social Security Disability Benefits.  
Toll Free number for Social Security: 1-800-772-1213.

## ATTACHMENT "C"

New Jersey Department of Labor  
And Workforce Development  
Private Plan Compliance Section

CLAIM PETITION NUMBER

### CERTIFICATION OF CONTESTED WORKERS' COMPENSATION CLAIM

_____ (Claimant)	_____ (Workers' Compensation Insurer)
<div></div> Social Security Number	_____ (Workers' Compensation Insurer Address)
VS.	_____ (Workers' Compensation Insurer Telephone #)
_____ (Employer)	_____ (Attorney for Claimant)
_____ (Employer Address)	_____ (Attorney's Address)
	_____ (Attorney's Telephone Number)

### AGREEMENT

In consideration of the payment of temporary disability benefits from the Private Plan insurer, \_\_\_\_\_, for a disability beginning \_\_\_\_\_, which I consider as having been attributable to my work, I do hereby agree to pursue my claim within the time specified and to obtain a determination as to eligibility under the Workers' Compensation Law. I further agree to reimburse fully the Private Plan insurer for such advances if I receive any Workers' Compensation award or settlement for such disability or if I should not pursue my claim in the time specified under the Workers' Compensation Law. If I have not yet done so, I also agree to:

1. File a Private Plan temporary disability claim. (Private Plan claim forms may be obtained from your employer or the Private Plan insurer.)
2. File an "Employee's Claim Petition" with the Division of Workers' Compensation. For information concerning this petition consult the Division of Workers' Compensation, PO Box 381, Trenton, New Jersey 08625-0381, Telephone: (609) 292-2515, or an attorney licensed to practice in New Jersey.

_____ Date	_____ Claimant's Signature
	_____ Claimant's Address

### TO BE COMPLETED BY THE DIVISION OF TEMPORARY DISABILITY INSURANCE

To the Private Plan insurer:

This is to certify that the petitioner's claim for benefits under the Workers' Compensation Law is contested and that an "Employee's Claim Petition" has been filed. Benefits may therefore be released by you subject to the right of subrogation held by you under Section 43:21-30 of the New Jersey Temporary Disability Benefits Law.

_____ Date	_____ Authorized Representative, Div. Temporary Disability Insurance
---------------	---

**ATTACHMENT "D"**

**Livingston Siegel DiMarzio Baptista, LLP**

661 Franklin Avenue • Nutley, New Jersey 07110

973-661-4545 • 973-661-4646 fax

[workplacelawyers.com](http://workplacelawyers.com)

**FROM SOUTH**

Garden State Parkway North to Exit 153- Rte 3 East (toward Lincoln Tunnel).

Proceed on Rte 3 East to Exit: Main Avenue/Nutley/Passaic.

Exit ramp and at bottom-turn left onto Main Avenue.

Go to third light (.4 miles) to Kingsland street

Turn right. Go to next light (Franklin Avenue)- turn left

Building is on your right- **Parking on street**

**FROM NORTH**

Garden State Parkway South to Exit 153- Rte 3 East (toward Lincoln Tunnel)

(left side exit) - **PROCEED AS ABOVE.**

**FROM NEW YORK CITY**

Lincoln Tunnel to Rte 3 West- **PROCEED AS BELOW FROM RTE 3 WEST.**

George Washington Bridge to I-80 West to I-95 South (New Jersey Turnpike South). Take Western Spur to Exit 16W - Rte 3 West **PROCEED AS BELOW FROM ROUTE 3 WEST.**

**FROM NEW JERSEY TURNPIKE SOUTH OR NORTH**

Western Spur to Exit 16W - Rte 3 West.

**PROCEED AS BELOW FROM ROUTE 3 WEST**

**FROM ROUTE 3 WEST**

To exit: Main Avenue/Nutley/Passaic

At bottom of ramp bear left and turn left onto Main Avenue

Go to second light (.4 miles) to Kingsland Street

Turn right. Go to next light (Franklin Avenue)- turn left

Building is on your right- **Parking on street**

**FROM ROUTES 1& 9 AND 22**

To N.J. Turnpike - Exit 14 (Newark Airport)

**PROCEED AS ABOVE FROM N.J. TURNPIKE**

**FROM NEWARK**

Route 21 North to Route 3 West- Clifton **PROCEED AS FROM ROUTE 3 WEST.**

---

# LIVINGSTON SIEGEL DIMARZIO BAPTISTA

---

Livingston Siegel DiMarzio Baptista, LLP

661 Franklin Avenue

Nutley, New Jersey 07110

Tel. No.: (973) 661-4545

Fax No.: (973) 661-4646

Toll Free No. : ( 800) 246-WORK (9675)

Email: [clivingston@workplacelawyers.com](mailto:clivingston@workplacelawyers.com)

Website : [www.workplacelawyers.com](http://www.workplacelawyers.com)

[View our location click below](#)

