

In North Carolina, [workers' compensation](#) benefits help cover medical expenses, lost wages, and disability. However, not every workers' compensation claim ends with the issuance of benefits. But a "change in condition" can dramatically change the trajectory of a workers' compensation case.

So, what does a change in condition mean as it relates to North Carolina workers' compensation law, and what can you do if you experience this change? Below, our workers' compensation attorney explains what a change in condition is, how it impacts your benefits, and what you should do if you experience a change.

## Understanding "Change in Condition"

Under North Carolina workers' compensation law, a "change in condition" is any significant change in an injured worker's physical, mental, or emotional condition after the initial award of benefits. The change may occur after the initial injury has stabilized or years after the injury itself. In fact, a change in condition can be a worsening of the worker's ability to work, an increase in impairment, or an increased need for medical treatment.

## How a Change in Condition Can Affect Your Workers' Compensation Case

A change in condition can dramatically alter the kinds of benefits you're entitled to receive. Here's how:

### Modification of Benefits

Upon a subsequent change of condition, the injured worker or the employer may file a request that the original award of benefits be either increased, decreased, or terminated, depending on the nature of the change. For example:

- **Higher benefits:** If your condition worsens such that you are unable to continue working, you may be eligible for an increase in disability benefits or a transfer from temporary to permanent disability benefits.
- **Reduced Benefits:** If your condition improves and you can return to work at a higher capacity, your employer may seek to reduce your benefits or discontinue them altogether.

- Reinstatement of Benefits: If your benefits were terminated because you returned to work but your condition worsened, you may be eligible to have your benefits reinstated.

## Additional Medical Treatment

A change in condition may necessitate additional medical treatment that was not initially anticipated. If your condition deteriorates, you may require more extensive medical care, surgeries, or therapies. North Carolina workers' compensation law allows you to seek coverage for these additional medical expenses through a modification of your claim.

## Re-evaluation of Disability Rating

For some disabilities, a change in condition may mean that your disability rating has to change. Disability ratings are assigned based on the degree of impairment associated with your condition, and they determine how much in benefits you should receive. Your condition can improve or worsen, but your disability rating should match it.

## The Legal Process for Addressing a Change in Condition

If you feel that your condition has changed such that it affects your workers' compensation benefits, there is a process that must be followed to address the change. The steps are as follows:

### Step #1: Notify Your Employer and the Workers' Compensation Insurance Carrier

The first step is to provide written notice to your employer and the workers' compensation insurance carrier, informing them of the change in your condition. The written notice should also include documentation from your healthcare provider that describes the change in your condition and how it impacts your ability to return to work.

### Step #2: File Form 33 (Request for Hearing)

If you live in North Carolina and there is a dispute as to the change of condition, you or your employer can submit Form 33 (Request for Hearing) to the North Carolina Industrial Commission (NCIC) to determine the change in condition and whether the benefits should change.

### Step #3: Provide Medical Evidence

You will need to provide medical evidence to support your claim that there has been a change in your condition. This may include updated medical records, testimony from your healthcare provider, and other relevant documentation. The burden of proof lies with the party requesting the modification of benefits, so it's crucial to have strong, compelling evidence.

## Step #4: Attend the Hearing

If there is a hearing, you and your employer (or their insurance carrier) will each present evidence and argue before a workers' compensation judge who will decide, based on the evidence, whether or not to modify your benefits. The judge will consider the medical evidence, testimony from witnesses, and any other pertinent information.

## Step #5: Receive the Decision

Following the hearing, the judge will issue an order determining whether to increase, decrease, or keep your workers' compensation benefit the same. Either party may appeal this decision to the full Commission or, if that appeal is unsuccessful, to the North Carolina Court of Appeals.

## The Statute of Limitations for a Change in Condition

In North Carolina, there is a statute of limitations on filing a change in condition request. You have to file a claim for a change in condition within two years of the last payment of compensation or the last date of treatment for which compensation was paid by the workers' compensation carrier. If you fail to file within that period, you could lose your right to ask for a modification of benefits, so do not delay if your condition changes.

## Work with a Qualified Workers' Compensation Attorney to Protect Your Rights

A change in your condition can profoundly affect your workers' compensation benefits in North Carolina. If you believe a change in your condition may have occurred during the course of your workers' compensation case, it is important to contact a qualified workers' compensation lawyer who can assist you in the process and secure your right to the benefits you need to recover.

If you have questions about a change in condition or the workers' compensation process, we encourage you to [contact](#) us for a case evaluation. Our experienced workers' compensation attorneys may be able to help.

