

Workers' compensation is a no-fault insurance benefit for workers who are unable to work due to an employment-related injury or illness. Because you do not need to prove that your injury or illness was caused by your employer or anyone else, your benefits should be paid promptly when you need to make a claim. Unfortunately, this is not always the case. Employers and their insurance companies will look for ways to stall the process in order to pressure you to abandon your claim and return to work before you are unable to. An experienced [workers' compensation](#) attorney can help you get the benefits you deserve if you have suffered a work-related injury or illness.

Unresponsiveness

The first delay tactic you may encounter is silence in response to your claim. Alternatively, they may return calls when you are likely to be unavailable. They may leave messages or reply to emails with vague, noncommittal answers or that simply ask you to call them back. This can not only be incredibly frustrating, but it also allows the employer and their insurance company to drag their feet in approving or denying your claim.

From the very start, the best thing to do is document all of your attempts to communicate with them. Jot down the date and time of your phone calls and messages and who you left a message for. Do not delete any emails you send or receive, as they can be powerful evidence of their unresponsiveness.

Asking for a Recorded or Signed Statement

Many workers' compensation insurance carriers will ask the injured worker to give a recorded statement or provide a signed, written statement as part of their investigation. While this sounds reasonable, the problem is that these statements will be used to create conflicting statements or confusion over the facts. In turn, this allows them to delay reaching a decision and can even be used to deny your claim. A recorded or signed statement can be damaging in the following ways:

- The insurance adjuster may try to get you to admit facts or details to call into question whether your injury occurred while you were on the job and in the performance of your duties.

- They may use the recorded statement to get you to disclose past accidents that are irrelevant to your claim.
- They may use your statement to call into question the extent of your injuries.
- They may use your statement to suggest that you are in a desperate financial situation.
- They may use the statement to undermine your reliability, credibility, and trustworthiness.

You do not have to provide a recorded or signed statement to the insurance company in addition to any report or claim that has already been filed. If the insurance company is insisting on this point, you should seek legal counsel immediately.

Repeated and Unnecessary Medical Examinations

Another common delay tactic is to essentially dispute the initial disability determination. Insurance companies will do this by asking you to repeatedly undergo medical examinations in order to obtain a second opinion or to clarify the extent of your opinion. If the first doctor determines that you are disabled, that should be sufficient. Contact a workers' compensation lawyer if the insurance company seems to be subjecting you to unnecessary and repetitive medical examinations.

Offering a Light-Duty Position

Most injured workers cannot afford to be out of work and are, therefore, eager to return. Employers and their insurance companies may, therefore, offer you a light-duty job while you are recovering. This may seem like an ideal solution – you can work and continue to earn money while your claim is reviewed and approved. Unfortunately, the insurance company may use it to argue that your injuries do not prohibit you from working. This can create a dispute over your claim, leading to a delay in reaching a decision.

It is important to note that returning to work in a light-duty role can also jeopardize or reduce your current benefits if your claim has already been approved.

Authorization Delays

Generally speaking, [medical treatment](#) must be approved by the insurance company before it can proceed.

Unfortunately, insurance companies will delay authorization for treatment by raising questions as to whether it is necessary. In other situations, the insurance company may simply take days or weeks to respond to the request for authorization. This can cause a great deal of stress and frustration for the worker as they cannot get the treatment

they need, in addition to the pain and discomfort they are experiencing as a result of their injuries.

Payment Delays

Similar to authorization delays, insurance companies will also delay paying for medical treatment that has already been provided. They may dispute the treatment as unnecessary or claim that they are waiting for authorization to pay the bill. This can be an extremely stressful situation for workers who are worried that they will wind up having to foot the bill.

You might also experience delays in payment of your [disability benefits](#). This can put you in financial difficulty, perhaps encouraging you to return to work before you are able to so that you can provide for your family. Workers who are not receiving timely disability benefits payments may be able to pursue a claim against the insurance company. If your insurance company is not paying your medical bills or your disability benefits in a timely fashion, contact a workers' compensation attorney for help.

Request to Review Your Medical Records

Insurance companies will also delay claims by combing through your medical records. The goal of this tactic is to suggest that your injury is the result of a prior accident unrelated to your job. Obviously, it is important for your doctor to be aware of your prior medical history, and you should be candid about prior injuries that you have suffered or if your accident at work aggravated an old injury. That said, insurance companies will try to use your medical records against you. You should contact a workers' compensation lawyer if your medical records are suddenly at issue.

For this reason, workers should be on guard for any requests to sign a blanket authorization to release their medical records. This will be used to obtain all of your medical records to be perhaps used against you. If the insurance company wants you to sign such an authorization, we recommend that you do not sign without first discussing it with a workers' compensation attorney.

Requesting Additional Information

The insurance company will need to gather a lot of information in order to process your claim. This includes information about your accident, your injuries, and the recommended treatment. Unfortunately, this is another aspect of the process that can get dragged out. One way insurance companies do this is by requesting this information one piece at a time, rather than consolidating their requests. For example, the insurance company might ask your doctor

for their treatment records concerning your injuries, but then request information regarding the recommended treatment several days or weeks later.

Another tactic they use is to request additional information that is not necessary for processing your claim. For example, they may be in possession of the accident report which is consistent with your version of events and another witness. Regardless, insurance companies may then request a statement from your supervisor, even though they barely saw anything. Combined with the tactic described immediately above, this can cause significant delays in processing your claim. If you feel like your claim is stuck and not receiving the priority it should, a workers' compensation attorney can help push the process forward.

What Can I Do if The Insurance Company Is Delaying My Claim?

If you believe the insurance company is intentionally delaying your claim, the first thing to do is stay positive. Remember, you have a right to workers' compensation benefits under the law if you have suffered a work-related injury or illness. They are hoping that you will just give up so that they do not have to pay your claim. Even if they deny your claim, you have the right to an appeal. As a result, the best thing to do is keep pushing forward.

We also recommend that you meticulously document the process. As mentioned above, keep notes concerning the dates, times, and people you left messages for. Keep copies of all your emails. Take notes summarizing any conversations you have with insurance company representatives, your doctor, or your employer. These notes will be fundamental if you later have to hold the insurance company accountable.

The best thing you can do is reach out to a workers' compensation attorney for help. They can take over and push the process forward so that you can focus on your health.

Contact a Workers' Compensation Attorney at Martin & Jones Today

You do not have to leave your future in the hands of your employer or their insurance company. Get the help you need by [contacting](#) Martin & Jones – we know what it takes to get the benefits you deserve. Call us today at 800-662-1234 to schedule a free consultation.