

The workers' compensation system protects people who have been injured on the job and are unable to work. While the system is supposed to be easy for workers to navigate, many claims are unfortunately denied. The good news is that many of these denials are fixable with help from an experienced [workers' comp lawyer](#) as soon as possible.

You Need to Take Immediate Action

The workers' compensation claim process is time-sensitive with numerous deadlines along the way. Failure to follow these deadlines can result in the loss of your rights, and this is especially true when it comes to denied claims.

It is normal to feel defeated or overwhelmed when you receive notice that your claim has been denied. Do not lose hope. You always have the right to contest the denial, by filing a hearing request.

The Request for Hearing

The first step in response to the initial denial of your claim is to file a request for a hearing with the North Carolina Industrial Commission (NCIC). This is accomplished by completing [Form 33](#), "Request That Claim Be Assigned for Hearing." Form 33 requires that you provide some basic information concerning your claim. If you are unsure of what you need to include, an experienced workers' comp lawyer can answer your questions and help you complete the form.

Meditation

Upon receipt of your request, the NCIC will normally order the claim to mediation. Mediation is a process by which you and your employer will attempt to resolve your workers' comp claim in a manner agreeable to both sides. The process is facilitated by a neutral third-party mediator. The mediator will not "decide" the case or render an opinion as to the validity of your claim. If both you and your employer are able to reach a resolution concerning your claim, the claim process concludes since the agreement is approved by the NCIC.

The Hearing

If mediation is unsuccessful, then you proceed to the hearing. The hearing will be held in front of a Deputy Commissioner of the NCIC, who will hear evidence and testimony from both you and your employer concerning your claim. This is a formal, quasi-judicial proceeding and should be taken seriously. We strongly recommend that you be represented by a skilled workers' comp lawyer at your hearing. They will know what evidence you will need and how to introduce it in a clear and compelling manner. They will also know how to obtain testimony from witnesses to support your claim and how to cross-examine witnesses for your employer. Once both sides have concluded their case, the Deputy Commissioner will render a decision either approving or denying your claim.

Full Commission Review

If the Deputy Commission does not rule in your favor, your next option is to request a panel review of your claim before the Full Commission. You will need to file your appeal to the full commission within 15 days of the date of the notice of the deputy commissioner's decision.

The North Carolina Court of Appeals and the North Carolina Supreme Court

If the Full Commission does not rule in your favor, your last option will be to pursue an appeal through the courts. You can first file an appeal with the Court of Appeals. If that appeal is unsuccessful, your last remaining option is to appeal to the North Carolina Supreme Court.

If you have not yet hired a workers' comp lawyer, we strongly urge you to at least consult with one before proceeding through the courts. The legal system is very difficult for non-lawyers to navigate, and even seemingly trivial mistakes can jeopardize your case. This is your last remaining option to receive the benefits you need - an experienced workers' comp lawyer can give you the best chance at a successful outcome.

Tips to Prepare for Your Hearing

You will need to take immediate action if your workers' compensation claim is denied. You should take the following steps in order to make sure your case is as strong as possible.

Read the Notice You Received Carefully

The notice informing you that your claim has been denied should state the reason why. Understanding why your claim was denied is critical for preparing for hearing.

Keep Copies of Everything

Documentation of your claim is critical when it comes to a successful hearing. Make sure that you keep copies of any documents you have received regarding your claim, including the following:

- All medical bills and reports
- Incident reports surrounding your injury
- Any receipts regarding expenses you incurred as a result of your injury
- Documentation of your lost income

Keeping your documentation accessible and organized will help you prepare for your hearing.

Prepare to Win Early On in the Process

As you can see, there are several steps in the hearing process. This does not mean that you shouldn't take the first couple of steps seriously. You want to put forward your strongest case possible. One reason is that you will get your benefits sooner if you are successful. The other reason is that your claim will be given greater scrutiny if you introduce new evidence or arguments later in the process.

Talk to a Workers' Comp Lawyer at Martin & Jones Today

If your workers' compensation has been delayed, there is no time to lose. Get the help you need by calling 800-662-1234 or [contacting us online](#) to schedule a free consultation.