

If you are injured and unable to work, you are depending on your workers' compensation benefits to pay your bills and take care of your family. As a result, it's natural to feel defeated and overwhelmed when your claim is denied.

However, the fact that your claim has been denied does not mean that your case is over. You have options but it is critical that you act quickly. If your workers' compensation claim has been denied, the best thing you can do is contact an experienced [workers' compensation lawyer](#) as soon as possible.

Common Reasons Why Workers' Compensation Claims Are Denied

Workers' compensation claims are denied for a wide variety of reasons. While some claims are validly denied, many are denied due to simple mistakes. It is important to remember, however, that most of these mistakes are not fatal, provided that you act quickly.

When you received notice of your denial, the letter should have explained the basis for the denial. However, many people have a difficult time understanding what they should have done differently. A workers' comp attorney can review your claim and your denial and determine what needs to be done for you to get the benefits you need.

Your Claim is Time-Barred

North Carolina law requires that workers inform their employers within 30 days of the accident that caused their injury. This is more complicated if you have suffered a work-related illness that arose over time. While this 30-day [deadline](#) is important, failure to meet this deadline does not necessarily mean that you have no chance of receiving benefits.

However, you must file your claim with the North Carolina Industrial Commission within two years of the accident or the date when you became disabled in cases of occupational disease. If you missed this deadline, it may have jeopardized your claim. Regardless, an experienced Durham workers' comp lawyer can review your case and

determine whether you have many options.

Your Injury or Illness Isn't Work-Related

When seeking workers' compensation benefits, one of the fundamental things that you must prove is that your [injury or illness](#) "arose out of and within the scope of your employment." In other words, you are not entitled to workers' compensation simply because you cannot work - you must have suffered your injury or illness as a result of your job. Many of the claims that are denied on this basis actually involve work-related illnesses or injuries, but the worker didn't know how to properly document their claim, or the insurer disputes that it was work-related. Whatever the case may be, an attorney can help you develop the necessary documentation so that you can get your benefits.

Inadequate Medical Records

Many claims are denied due to insufficient medical records. This can be particularly frustrating when you have turned over all of the records you had related to your illness or injury. However, these records need to do three things:

1. Provide a detailed explanation of the nature and severity of your illness or injury;
2. Confirm that the illness or injury occurred at work and how it impacts your employment; and
3. Explain what you will need in terms of treatment and your expected recovery.

Even knowledgeable doctors can sometimes fail to meet one or more of these requirements. A workers' compensation attorney can review the records you have submitted and work with your doctor to support your claim.

Pre-Existing Conditions

As mentioned previously, your injury or illness must be work-related in order to qualify for workers' compensation benefits. As a result, many claims are denied because the worker had a pre-existing medical condition.

If your claim was denied due to a [pre-existing condition](#), it is important to understand that the fact that you have a pre-existing condition does not disqualify you from receiving workers' compensation benefits. Instead, you must assemble the documentation to demonstrate that your job either made your pre-existing condition worse or caused your injury or illness to recur.

To be clear, pre-existing injuries do complicate workers' compensation claims, and you may be limited as to what benefits you can receive. However, this largely depends on your medical history. A Durham workers' comp lawyer will be able to provide an estimate of what you can expect and then help you submit your claim.

Inaccurate or Incomplete Applications

Claims are routinely denied because the worker's application was incomplete or contained inaccuracies. It's easy to make a mistake or fail to provide the correct information when you are injured and you have never before dealt with the workers' comp system. Fortunately, denials on this basis are fairly easy to overcome, provided that you take action promptly.

What Are Your Options After a Denied Workers' Comp Claim?

If your claim has been denied, you should speak with an attorney as soon as you receive notice of the denial.

Filing a hearing request is a complicated process. To be successful, you need to follow the procedural steps correctly, address the basis for your denial, and submit the correct documentation. As part of the process, your case will be scheduled for a hearing before the Industrial Commission. An experienced workers' compensation lawyer can represent you and present a compelling case as to why your claim should be approved.

Your lawyer may also be able to negotiate directly with your employer's insurance company, but these steps should not be taken in lieu of contesting the denial.

Contact Martin & Jones if Your Workers' Comp Claim Has Been Denied

At Martin & Jones, our workers' compensation lawyers have been helping sick and injured workers receive the compensation they need for 40 years. If your claim has been denied, we can file your appeal and build the strongest case possible in support of your claim. To discuss your workers' comp claim and how we can help, [contact us](#) today at 800-662-1234 to schedule a free consultation.