

[Work injuries](#) are common among employees across various industries, from construction workers to production-line laborers to office workers. The injuries will vary based on the industry; however, one of the most common injuries is a back injury. From simple strains to severe spinal damage, these injuries are often painful, debilitating and may even result in permanent disability. If you're one of the thousands of North Carolina employees who've suffered a [work-related back injury](#), you likely face significant physical, emotional, and financial challenges. That said, it's essential to know your rights and legal options to protect yourself and your family.

Understanding Work-Related Back Injuries

Before considering the legal remedies, it is helpful to understand the types of back injuries that can result from various types of jobs. In some instances, the injury results from a traumatic event, such as falling or lifting heavy objects.

Alternatively, some injuries come from years of strain and poor ergonomic conditions, including the following:

- **Muscle Strains and Sprains:** These often occur in the back muscles or ligaments due to lifting heavy objects, sudden snapping movements, or repetitive motions.
- **Herniated Discs:** A ruptured or slipped disc where one of the cushions separating the vertebrae in the spine pushes against nearby nerves and causes pain, numbness, and weakness.
- **Vertebrae Fractures:** Trauma, such as a fall from a height or a motor vehicle accident, can lead to fractures of the vertebrae.
- **Spinal Cord Injuries:** These injuries are the most severe and can cause paralysis or long-term disability.
- **Chronic Back Pain:** Pain that lasts months or even years due to long-term malalignment, prolonged poor posture with the neck and lower back, repetitive activities that cause faulty movement patterns, or weakened support muscles.
- **Functional Dyspepsia:** Pain or discomfort in the upper abdomen that varies in intensity and is not associated with a specific food or illness to explain the pain.

Workers' Compensation in North Carolina

Under North Carolina law, an injured worker's primary remedy for a back injury that occurs on the job is workers' compensation. Workers' compensation is a no-fault system where the injured individual does not have to prove that the employer was negligent, but they will be required to follow specific steps in order to be able to collect benefits.

Eligibility for Workers' Compensation

Almost all workers in North Carolina are covered by workers' compensation, with a few exceptions, including independent contractors and certain agricultural workers. More specifically, to qualify for workers' compensation benefits, your back injury must satisfy the following:

- **Work-Related:** For an injury to qualify for workers' compensation, the injury must have occurred in the course of your employment. This includes injuries sustained while performing job duties, whether on or off the employer's premises.
- **You Must Report It Right Away:** You must report the injury to your employer immediately. North Carolina law requires you to provide written notice within 30 days of the injury.
- **Medical Attention:** You must seek medical attention and provide documentation of your injury and treatment. Your employer has the right to direct you to a specific healthcare provider, but you can request a second opinion if necessary.

Workers' Compensation Benefits

If your [workers' compensation](#) claim is approved, you may receive the following benefits:

Medical Bills

You are entitled to the costs associated with treating your back injury, such as your annual check-ups, injections, surgeries, physical therapy, and pain medications.

Temporary Total Disability (TTD) Benefits

Your back injury might mean you aren't able to work temporarily. If that is the case, you can get TTD benefits, which are typically two-thirds of your average weekly wage.

Permanent Partial Disability (PPD) Benefits

If you have a permanent impairment after a work injury, you might be entitled to PPD benefits. The compensation rate depends on the level of your disability and is calculated based on the percentage of your impairment.

Permanent Total Disability (PTD) Benefits

If your back injury results in a permanent and total disability that prevents you from returning to work in any capacity, you may receive PTD benefits for life.

Vocational Rehabilitation

If you are unable to return to your previous position because of your back injury, workers' compensation may refer you for vocational rehabilitation services to assist you in finding alternative employment.

Filing a Workers' Compensation Claim

Below are the steps for filing a workers' compensation claim for a jobsite back injury in North Carolina:

1. **Notify Your Employer of the Injury:** Give written notice of your back injury as soon as possible to your employer. The notice must be in writing and include the injury's date, time, and circumstances.
2. **Get Medical Attention:** Go to the doctor immediately and follow your employer's recommendations for healthcare providers. Keep a careful record of your diagnosis, treatment, and any doctor's recommendations.
3. **File Form 18:** File Form 18 with the North Carolina Industrial Commission (NCIC). This is the official document that initiates your claim and puts your employer on notice that you've been injured. You must do this within two years of the date of injury.
4. **Cooperate with the Investigation:** Your employer or insurance company will investigate your claim. Be truthful and provide all requested information (including medical records and, if applicable, statements from those who saw the injury occur).
5. **Attend a Hearing, if Required:** If your claim is denied or disputed, you may need to attend a hearing before the NCIC to present your case. It is advisable to seek legal representation if your claim is contested.

Appealing a Denied Workers' Compensation Claim

If your workers' compensation claim is denied, you can appeal the decision. Reasons for these denials often include disagreements over whether the injury took place at work, whether the injury was reported promptly, or whether the

claim was adequately substantiated with medical evidence.

To appeal a denied claim:

- **File a Form 33:** File a Form 33 (Request that Claim be Assigned for Hearing) with the NCIC, informing the Commission that you wish to appeal the denial. You must file this form within two years of the date of your injury.
- **Prepare for the Hearing:** Gather all medical records, witness statements, and other documents that support your claim. Consider hiring an experienced workers' compensation attorney to represent you at the hearing.
- **Attend the Hearing:** Present your case before a deputy commissioner who will review the evidence and issue a decision. If the decision is unfavorable, you may appeal further to the full Commission and, if necessary, to the North Carolina Court of Appeals.

Third-Party Claims for Work-Related Back Injuries

Sometimes, your injury may be caused by a third party – a contractor, an equipment manufacturer, or the owner of the property where you work. If a third party's negligence caused or contributed to your injury, you might be able to file a lawsuit against that third party in addition to the workers' compensation claim.

Benefits of a Third-Party Claim

A third-party personal injury claim can provide additional compensation beyond what is available through workers' compensation. While workers' compensation benefits are limited to covering medical expenses and a portion of lost wages, a successful third-party claim can also include:

- **Pain and Suffering:** This can include compensation for physical pain, emotional distress, and reduced quality of life resulting from your injury.
- **Lost Wages:** While workers' compensation coverage is usually two-thirds of your average weekly wage, a third-party claim can seek 100 percent of your lost wages.
- **Loss of Consortium:** If your injury caused problems with your relationship with your spouse, you might be able to recover for loss of consortium.
- **Punitive Damages:** In cases of egregious negligence, you may be awarded punitive damages to punish the responsible party and deter similar conduct in the future.

Filing a Third-Party Claim

To pursue a third-party claim for your work-related back injury, follow these steps:

- Determine who caused your injury – another subcontractor on a worksite, a manufacturer who designed defective equipment, or a property owner who should have kept you safe from harm.
- Contact an experienced workers' comp attorney to help you evaluate the strength of your case and navigate the legal process for you. Your attorney will draft a personal injury lawsuit for you that will be filed in civil court against the negligent third party. This lawsuit will recover damages not paid by workers' compensation.
- If a fair settlement cannot be reached, your case may proceed to trial.

The Role of an Attorney in Work-Related Back Injury Cases

It's always challenging to determine the best legal path to recovery for a work-related back injury in North Carolina. Insurance companies, workers' compensation claims, and sometimes third-party lawsuits can complicate matters. But, an experienced attorney can make a huge difference.

Why Hire an Attorney?

Consulting an attorney can help protect your rights and options so you don't miss any deadlines or inadvertently make mistakes with your case. Also, your attorney will pursue the maximum compensation available for you through workers' comp and a third-party claim.

Legal processes can be complicated and time-consuming. A lawyer will handle the paperwork, negotiations, and court appearances for you. And if your claim is denied or disputed, your attorney will fight for your rights and fight for the benefits and compensation you deserve.

Get the Help You Need From a Skilled Workers' Compensation Attorney Today

Back injuries from work can upend your life, affecting your ability to earn a living and provide for your family, along with your physical and mental health. In North Carolina, workers' compensation is a critical safety net for injured workers, but sometimes, it does not cover everything you need, especially in cases of third-party involvement.

Knowing your legal rights and properly applying them can make a big difference to your recovery and financial future. If you have been injured at work, particularly to your back, you should take action promptly, see a doctor, and consult with a knowledgeable North Carolina workers' compensation attorney who can help you make your case as successful

as possible. Ensure you protect yourself – [contact](#) our office today to discuss your situation.

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