

If you have been injured on the job, you may be entitled to workers' compensation benefits. These benefits can cover your medical expenses and up to two-thirds of your lost income. In order to get these benefits, however, you must find your way through the claim process, which isn't always easy. If you have been injured on the job, a [workers' compensation attorney](#) from Martin & Jones can provide you with the guidance you need to get the benefits you are entitled to.

## 1. Notify Your Employer of Your Injury or Illness

The very first step of the workers' comp process is to inform your employer that you have suffered a work-related injury or illness. You should do this even if you are unsure of whether or not you will need to miss work. If you have been severely injured, ask a friend or family member to inform your employer in writing.

## 2. Seek Medical Treatment

The next step in the process is to seek any needed medical treatment. Because you may be pursuing a workers' comp claim in the very near future, you should follow any direction from your employer concerning where to receive treatment. Their workers' comp insurance carrier may require potential claimants to receive treatment from pre-approved providers or at pre-approved facilities. Be sure to explain to the treating physician that your injury or illness is work-related and what happened.

## 3. Follow Your Doctor's Orders

After receiving treatment, it is very important to follow your treatment plan to the letter. We know how difficult it can be to stay in bed or avoid strenuous activity. We also know that having to stay home from work can produce a great deal of anxiety if you lose income. The insurance carrier may argue that your failure to follow the treatment plan is evidence that you are not as injured as you claim to be.

## 4. Provide Your Employer with Written Notice of Your Injury or Illness

Under North Carolina law, you must inform your employer *in writing* within 30 days of your injury or illness in order to be eligible for workers' compensation benefits. If you do not take this step, you may be barred from receiving any workers' compensation benefits. You should take this step even if your employer is aware of your injury or illness in order to create a record. Include specific details such as where and when the incident occurred that caused your injury or illness. Be sure to keep a copy for your own records.

## 5. File Your Claim with the North Carolina Industrial Commission

Everything you have done up to this point is a preliminary step to making a claim. Filing with the North Carolina Industrial Commission (NCIC) is the first step in the formal legal process. Once you provide written notice to your employer, they should provide you with a [Form 18](#) to be completed and signed by you. This form is then typically filed with the NCIC by your employer, but you can file it if they do not. A copy must also be provided to your employer's workers' comp insurance carrier.

This is where the process can break down sometimes. Employers are sometimes inattentive and fail to respond to notice of employee's work-related illnesses or injuries. Some employers are reluctant to file the claim for fear that it will increase their premiums. Other misguided employers think that they should act as gatekeepers when it comes to workers' comp claims and will discourage employees from filing a claim or informing them that their injuries or illnesses are not covered. If your employer is failing to take action or your claim is met with resistance, we recommend that you contact a workers' compensation attorney as soon as possible.

## 6. Review and Initial Response

Once the paperwork has been filed, the claim will be acknowledged by the NCIC. The employer/carrier will either accept the claim and authorize the payment of benefits or will deny the claim. If your claim is denied, it is important to understand that your case is not over. Claims are denied for a variety of reasons. A workers' compensation attorney can explain what steps you can take next.

## 7. Request a Hearing

If your claim has been denied, then you may request a hearing before a Deputy Commissioner of the NCIC. The hearing will provide both you and your employer with the opportunity to submit evidence and provide testimony as to why or why not your claim should be approved.

## 8. Attend Mediation

Before you attend the hearing, however, you and your employer will likely be ordered to go to mediation. Mediation is a process by which you and your employer try to resolve the dispute in a manner agreeable to both parties. The process is facilitated by a neutral third-party mediator. You can choose to be represented by a workers' compensation attorney at mediation if you are not already working with one.

## 9. Attend the Hearing

If mediation is unsuccessful, you then proceed to the hearing. This is a formal, quasi-judicial proceeding somewhat similar to a trial but without a jury. We recommend that you hire an experienced workers' compensation attorney at this point.

## Injured at Work? Talk to a Workers' Compensation Attorney at Martin & Jones Today

At [Martin & Jones](#), we have a decades-long track record of helping people get the compensation they need to rebuild their lives. We can help you navigate the workers' comp claim process quickly so that you can get the benefits you need to focus on your recovery. To discuss your case and how we can help, call us today at 800-662-1234 or complete our [online contact form](#) to schedule a free consultation.