

The workers' compensation system was created to provide a safety net for people who are unable to work due to a work-related injury or illness. Generally speaking, almost all employers are required to carry workers' compensation insurance to provide coverage for any workers who become injured or sick as a result of performing their duties. If their claim is approved, workers' compensation will pay all of the worker's [medical bills](#) and up to [two-thirds of their weekly income](#). While the system is intended to provide coverage for almost all workers, that doesn't mean that it is easy to navigate. If you are suffering from a work-related injury or illness, a [Raleigh workers comp lawyer](#) can help you get the benefits you need to start moving forward.

The North Carolina Workers' Compensation Act

Workers' comp claims are primarily governed by the [North Carolina Workers' Compensation Act](#). In the linked version, the statute is nearly 100 pages. Here are the key provisions of the Act.

- **Coverage.** The Act requires most employers with three or more employees to provide workers' compensation coverage. This includes employers with part-time employees or seasonal workers. Employers must either purchase coverage or self-insure, and failure to provide coverage could result in monetary penalties. Coverage is to be provided on a "no-fault" basis. Workers' compensation coverage does not extend to independent contractors, however.
- **Exclusive Remedy:** In most cases, workers' compensation is the sole remedy for workers who are suffering from work-related injuries or illnesses. This means that workers cannot sue their employers, except in cases of intentional harm or willful misconduct where there is substantial certainty that it will result in serious bodily injury or death. Workers may be able to pursue claims against third parties in addition to their workers' comp claim, however.
- **Benefits.** Workers' compensation insurance coverage must include medical benefits, temporary or permanent disability benefits, rehabilitation benefits, and death benefits. Employee benefits will cover all medical bills and pay disability benefits of up to two-thirds of the worker's average weekly income.
- **Notice.** Employers are required to provide notice of workers' compensation rights to their employees. This notice can be in the form of a poster or other written materials.

- **Reporting.** To initiate the claim process, employees are required to promptly report work-related injuries or illnesses to their employer promptly but no later than 30 days from the date of the accident or diagnosis.
- **Deadline for filing claims.** Injured workers must file a claim with the North Carolina Industrial Commission (NCIC) within two years of the date of injury or diagnosis.
- **Medical treatment.** Employers have the right to direct medical treatment including the choice of medical provider. However, employees may be given a list of physicians to choose from. Approval from the NCIC may be required to change doctors or obtain a second opinion.
- **Where claims and appeals are filed.** The NCIC handles all workers' compensation claims, conducts hearings, and issues decisions. Employees have a right to appeal. Once the employee has exhausted their administrative appeal remedies, they may appeal their claim to the North Carolina Court of Appeals.
- **Fraud Prevention.** The Act prohibits filing fraudulent claims and includes penalties for making false statements or representations related to workers' compensation claims.

This is just a very basic overview of some of the fundamental aspects of North Carolina's workers comp laws. There may be specific facts or circumstances in your case that make a significant difference, so you should consult with a Raleigh workers' comp lawyer if you have any questions or issues.

How to File a Workers' Comp Claim in North Carolina

To receive workers' comp benefits, you or your employer must file a claim with the NCIC. To file your claim, follow the steps outlined below.

1. **Report your illness or injury to your employer.** Injuries should be reported in writing as soon as possible but no later than 30 days from the date of the accident or incident. Illnesses must be reported within 30 days of (i) the date you became disabled as a result of your condition or (ii) your diagnosis, whichever occurs last.
2. **Seek medical attention.** In order to be eligible for workers' compensation benefits, you must have a formal medical diagnosis. Your employer has the right to direct your treatment, so you should ask your employer for directions to receive a medical examination. Be sure to follow the recommended treatment.
3. **File your claim.** You must file your claim with the NCIC within 2 years of your accident or illness. The sooner you file, the sooner you can receive your benefits. Once your claim has been filed, you will wait for the NCIC to either approve or deny it.

The most difficult part of the process is making sure that your claim is properly documented. Many claims are denied simply because the applicant failed to include sufficient medical evidence that documents their injury or illness and how it prohibits them from working. Other claims are denied because the applicant failed to demonstrate that their

illness or injury was work-related. This is one of the reasons why you should consider hiring a Raleigh workers' comp lawyer. They know what documentation you will need to submit in order to ensure that your claim is approved as quickly as possible.

Your Right to Appeal Under North Carolina's Workers' Comp Laws

If the NCIC denies your claim, you have the right to appeal the Commission's decision. However, it is important that you take immediate action - you must file notice that you intend to appeal (NCIC form 33) within 14 days of the date that your claim was denied. Failure to file your appeal within that deadline could result in losing your right to benefits.

Denials are common but you must take the appeal process similarly. If you or your employer initially filed your claim, this is a good time to contact a Raleigh workers' comp lawyer. They will know what steps need to be taken to protect your rights and ensure that you get the benefits you deserve.

Contact Martin & Jones to Speak with a Raleigh Workers' Comp Lawyer

The laws and regulations surrounding the workers' compensation claim process can be very challenging for non-lawyers, especially when you are dealing with a serious injury or illness. A Raleigh workers' comp lawyer from Martin & Jones can help you with your claim from start to finish. If you are unable to work due to injury or illness, give us a call at 800-662-1234 or [send us an email](#) to schedule a free consultation.