

When it comes to workers' comp claims, most people immediately think about physical injuries that prevent employees from working. It's important, however, to remember that you are entitled to workers' compensation if you are unable to work due to an illness or disease that resulted from the course of your employment. Unfortunately, workers' comp claims based on occupational illnesses are often more complex than those stemming from physical injuries. Understanding what is included and what you need to prove is vital to a successful claim. If you are suffering from an illness caused by your employment, an experienced [Raleigh workers' compensation lawyer](#) can help you get the benefits you deserve.

Common Causes of Occupational Illnesses

Under both state and federal law, employees are entitled to a relatively safe workplace. While some workers – such as [railroad employees](#) or [industrial workers](#) – face greater risks than others, almost any employee can be exposed to hazards that can lead to long-term or permanent health problems. Almost every occupational illness experienced by workers can be connected to one of the following causes:

- **Poor ventilation.** People who work underground, in confined spaces, or in other places where there is a lack of air circulation can be exposed to high levels of dust, chemicals, and fumes that can lead to illness and disease.
- **Hazardous materials.** People who work in laboratories, industrial settings, and healthcare may be exposed to hazardous materials every day. This can include chemicals and other materials, both known and unknown. Even with proper training and handling procedures, you may be entitled to workers' compensation benefits if you have become ill as a result of handling hazardous materials at your job.
- **Noisy workplaces.** Hearing loss is one of the most common occupational illnesses. Workers who experience daily excessive noise may be entitled to workers' compensation due to hearing loss caused by noise exposure.

It is important to note that you do not need to prove that your employer failed to warn you or provide necessary protective equipment. Workers' compensation is a "no-fault" benefits program. As a result, you can pursue a claim for

benefits even if your employer took all of the necessary steps to guard against employee illnesses.

Types of Occupational Illnesses That Qualify for Workers' Compensation Benefits

North Carolina workers' comp laws include a list of specific occupational illnesses that qualify for workers' comp benefits, largely due to the fact that these illnesses are often associated with workplace exposures. Some of the listed illnesses include the following:

- [Asbestosis](#)
- Silicosis
- Hearing loss
- Bursitis
- Mercury poisoning
- Phosphorus poisoning
- Anthrax
- Lead poisoning
- Carbon monoxide poisoning
- Epitheliomatous cancer
- Chrome ulceration
- Radium poisoning

This is not an exhaustive list. However, North Carolina workers' compensation law also includes a broad provision for any illness caused by your employment. You may still qualify for workers' comp benefits even if your illness isn't one of the illnesses that are specifically listed.

Pursuing Claims for Listed vs. Unlisted Illnesses

While the law recognizes almost any employment-related illness may qualify for workers' comp benefits, the distinction between listed and unlisted illnesses is critical to proving your claim.

- If you are suffering from one of the “listed” illnesses you only need to prove that your job caused or substantially contributed to your illness.
- If you are suffering from an “unlisted” illness, you need to prove two things:
 - First, that your job caused or substantially contributed to your illness; and
 - Second, that your job placed you at a greater risk of your illness than the general public.

If you are suffering from any work-related illness, you should speak with a Raleigh workers’ comp attorney. They can first determine whether you are suffering from a listed or unlisted illness. Then, they can help you assemble the documentation and evidence that you need to prove that your job caused or substantially contributed to your illness, and if necessary, that your job exposed you to greater risk of your illness than the general public.

Proving Your Claim for Work-Related Illnesses

A work-related physical injury is often witnessed by other employees and may be documented in a workplace accident report. It is often obvious that your injury prohibits you from returning to work.

While even claims for physical injuries can be complicated, claims based on occupational illnesses can be far more challenging. One reason is that work-related illnesses are often the result of prolonged or repeated exposure. This can make it difficult to prove that your illness was work-related, rather than brought on by some other cause. In addition, it can also be difficult to prove that your illness prevents you from returning to work.

The essential element you need to prove is causation – that your illness is in fact work-related. This means proving either that your illness was caused by your job or substantially contributed to your illness. An experienced Raleigh workers’ comp attorney will know how to assemble the evidence you need to make a successful claim.

Requirements for Filing Your Claim

Because workplace illnesses are not typically caused by a single incident, the deadline for pursuing a claim is different than for physical injuries. In order to receive workers’ comp benefits, you must file your claim with the North Carolina Industrial Commission within two years of the latter:

1. The date you were diagnosed with your illness; or
2. The date that you first became disabled as a result of your illness.

In addition, you must also provide notice to your employer within 30 days the above dates. Failure to meet these deadlines may jeopardize your right to receive workers' compensation benefits for your illness.

Suffering from an Occupational Illness? Contact the Raleigh Workers' Comp Lawyers at Martin & Jones

The workers' compensation attorneys at Martin & Jones have been helping injured and sick North Carolinians get the benefits they need for 40 years. We know the process inside and out and we know how to get results. If you're suffering from a work-related illness, call us today at 800-908-0937 or [contact us online](#) to schedule a free consultation.