



North Carolina Workers' Compensation Lawyer for the Help You Need

Were you injured on the job? Have you been diagnosed with cancer or another disease or illness from exposure to toxins at work? Is your employer or its insurance company pressuring you to return to work before you are fully recovered? Financial challenges with missed work, mounting medical expenses and your family's financial future can be overwhelming. Seek the advice of an experienced North Carolina workers' compensation attorney before you give up important rights.

Helping You Understand Your Rights Following A Work Injury

At Martin & Jones, we understand the difficulties and uncertainties you face after a workplace accident or illness. Our lawyers have an intimate knowledge and understanding of workers' compensation laws in North Carolina. We will diligently pursue your rights, helping you rebuild your life and providing you with hope for the future of your family.

As an injured worker, you may be entitled to [disability benefits](#). The amount of benefits depends on whether your disability is temporary or permanent, and whether your injuries partially or totally disable you.

You may also have [rights to medical treatment](#) following an injury or illness sustained while performing your work duties. Depending on your needs, you may be entitled to medical compensation for:

- Hospitalization
- Surgery
- Rehabilitative care
- Prescription medications
- Vocational rehabilitation services
- Long-term care

Different types of [injuries and illnesses](#) may entitle you to different rights. If you are a [railroad worker](#), Federal Employers Liability Act (FELA) rights allow you to bring a claim directly against the railroad company if the railroad's negligence caused your injury.

Even if the effects of your exposure to hazardous materials and toxins at work do not appear until many years after you change jobs or retire, you may still be entitled to additional compensation through a personal injury lawsuit, referred to as a third-party claim. A third-party claim may also help with your monetary recovery if you are injured in an accident on a construction site. Don't try to figure out if you have a claim on your own. Schedule a consultation with a North Carolina workers compensation lawyer and learn your legal options.

What is the North Carolina Industrial Commission?

The [N.C. Industrial Commission](#) is the state agency which regulates and oversees workers' compensation claims filed in North Carolina.

The Commission also offers an information specialist to assist people who call for information. The specialist's telephone number is 800.688.8349 or 919.807.2501.

Statute of Limitations for Workers Comp Claims in North Carolina

You must give written notice to your employer immediately or within thirty days after the accident. Even if your employer is aware that the injury occurred, you should ask to fill out an incident report so that there is documentation of this notice. If you have a reasonable excuse for failing to give the thirty-day written notice, this requirement can be waived.

Your claim must be filed with the N.C. Industrial Commission with the filing of Industrial Commission Form 18. If Form 18 is not filled out, the claim may be forever barred unless the employer intentionally engaged in actions to mislead you about your rights to pursue workers' compensation.

In an occupational disease case, an employee must file a workers' compensation claim with the Industrial Commission.

What Makes My Injury Eligible for Workers Compensation?

For an injury to be compensable and covered by workers' compensation it must have been (1) caused by an accident, (2) arising out of, and (3) in the course of your employment. The first requirement, that the injury was caused by an accident, applies unless it is a back injury or a hernia. Accidents are a slip, trip, fall, or some event which breaks the normal work routine. A back injury is usually compensable even if it happens when normal job duties are being performed.

The injury must also arise out of and in the course of the employment. The injury must be one for which the risk is identifiable with the job, and it must occur at a place and during a period of time in which the employer's business is being furthered. This is commonly known as the time, place and circumstances of injury.

The Potential to Sue Your Employer

You may not sue your employer for ordinary negligence if your claim is covered by workers' compensation. The exclusive remedy provision of the Workers' Compensation Act protects employers from direct suits by their employees for on-the-job injuries where the employer contributed to the accident.

However, if the employer intentionally engages in misconduct knowing with substantial certainty that serious bodily injury or death could result, then you may sue. Also, if the employer intentionally harms the employee, then the employer can be sued.

Otherwise, an ordinary negligence suit against the employer is not permitted. Please note, if a third party outside of the company causes the injury, then you can sue that third party.

Additionally, if your employer has retaliated against you for pursuing a workers' compensation claim, you should contact the North Carolina Department of Labor. Retaliation can also include other types of adverse action, such as suspension or demotion.

Understanding Workers' Compensation Settlements in North Carolina

Typically, workers' compensation benefits are paid weekly. In some cases, however, the insurer may decide to pay a lump sum settlement, resulting in a one-time payment that is intended to cover your lost income and medical needs for the remainder of your disability. These settlements are often referred to as "clincher agreements" or more formally as "compromise settlement agreements." They are typically offered in situations where the worker has suffered a total or partial permanent disability, and often after the worker has already been receiving benefits for several weeks or months.

For many disabled workers, a settlement is certainly attractive. One reason is that workers' compensation covers only two-thirds of your weekly income, so a lump-sum settlement often provides peace of mind that you will be able to pay your bills for the foreseeable future without having to worry about your benefits being terminated. Settling your workers' compensation claim may not always be beneficial. An experienced injury at work lawyer can help you understand your options.

The Potential Downsides of a Workers' Compensation Settlement

Ultimately, it is important to understand that accepting the settlement significantly limits your right to pursue any additional compensation in the future. In most cases, you will not be able to pursue any additional compensation at all. In addition, you need to be careful that the amount offered to settle your claim is fair and reasonable. Insurance companies often seek to settle workers' comp claims because they want to reduce the amount they will pay over time.

If you have been offered a lump sum settlement, we strongly recommend that you contact a Raleigh at work injury lawyer. They can evaluate the offer, explain your options, and negotiate a more appropriate settlement if necessary.

Am I Obligated to Settle My Workers' Compensation Claim?

You are not obligated to accept a settlement of your claim. You always have the right to reject the settlement and continue to receive your weekly benefits. Before accepting or rejecting the settlement, however, you should seek advice from a North Carolina worker's compensation lawyer. They can provide guidance as to whether or not the settlement is fair and perhaps negotiate for a higher amount while you continue to receive your weekly benefits.

Do All Workers' Compensation Claims Eventually Settle?

Many workers' compensation cases in North Carolina do not settle. Insurance companies are not obligated to settle claims.

How Do I Know If The Settlement Offer is Fair?

The settlement value of your claim depends on many factors, including the following:

- The severity of your injury or illness
- Your impairment rating
- Your age
- The duration of potential benefits
- The cost of your future medical treatment
- Your decreased earning capacity

Determining whether a settlement offer is fair requires a complex analysis. An oversight can lead to considerable financial hardship. We recommend that you work with a work injury lawyer if you have been offered a settlement.

Experienced Legal Guidance and Free Consultations with Top North Carolina Workers' Comp Attorneys

The workers compensation law firm of Martin & Jones have been helping injury victims in North Carolina since 1982. [Send us an email](#) or call us today at 1-800-662-1234 to schedule a free consultation in our [Raleigh office](#), [Durham](#), or [Wilmington](#).

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