

**WORKERS'  
COMPENSATION  
INJURY  
GUIDE**

INJURY ATTORNEY

**BRUCE D. SKAUG**

[WWW.SKAUGLAW.COM](http://WWW.SKAUGLAW.COM)

# **WORKERS' COMPENSATION INJURY GUIDE**

**How to win maximum compensation  
for your work injury.**

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# Workers' Compensation Injury Guide

Skaug Law is Idaho's largest Workers' Compensation law firm.

Among currently practicing Idaho law firms, one of our clients won the largest amount of money for a work comp injury settlement in state history.

From our experience of helping thousands of injured clients since 1992, we know this can be a very vulnerable time.

If you are **suffering** from an injury, you don't need the insurance company **fighting** against your claims.

On top of your injuries you are most likely dealing with dozens of other problems.

You may be afraid you can't--

- Pay your bills.
- Get a doctor who can help.
- Have the surgery you need.
- Get back to work.
- Keep the wolf from your door.

If the insurance company is pushing you around or your

employer is making it difficult for you to recover from your injury, there is hope.

**You can win maximum money for your workers' compensation injury case.**



## **Preparing for** **The Days Ahead**

Anyone seriously injured and unable to work will accumulate bills that cannot be kept current. Here are some actions you can take to prepare for a temporary period of financial hardship.

Ask your doctor for his or her best estimate for how long you will be unable to work. Make changes in your spending to survive your unemployed period until your normal income resumes.

Some people move to less expensive housing or move in with family or friends. Some people sell a vehicle to eliminate payments.

The key is to take action before things get really bad.

At Skaug Law, we work to hold off your creditors until you



receive compensation, but your effort to cut expenses may still be necessary.

You can have your work injury questions answered for free by calling Skaug Law at 208-466-0030, or connect with us at [www.skauglaw.com](http://www.skauglaw.com).



## **What You Should Know About** **Workers' Compensation**

Workers' Compensation law differs from other injury laws.

It is not rooted in the common law in the same way as personal injury law.

Instead, it was developed as a response to the needs of injured miners who had no recourse for financial recovery after a work accident.

Today, every state in the nation has a different set of workers' compensation laws to provide an avenue for work injury victims to recover medical costs and lost wages.

The answers in this guide are based on Idaho workers' compensation law.

To achieve the best outcome you should work with an experienced attorney who knows the law in your state.

An injury case may lead to a trial, but in the workers' compensation system it is called a hearing.

There is no jury but there is an administrative law judge who is called a referee.

Unlike other trials, the hearing often does not lead to an immediate decision.

Instead, the referee may order post hearing depositions.

These are additional sworn testimony by doctors and others, taken in their offices.

So, while you may wish for a resolution after your hearing, there may be other testimony still to be gathered before the referee makes a decision.



## **The Clock is Ticking** **60Days**

In Idaho, you need to report your injury to your employer within 60 days.

How should you tell your employer?

- ✓ You can talk to them in person or over the phone.
- ✓ You can ask someone else to tell them.
- ✓ You can write a note or letter.
- ✓ You can send an email.

Of these, the email option is the one I recommend.

With an email, you have a dated copy of your communication so it cannot be disputed in the future.

In your report to your employer, you should include the time and place of the incident, a description of what happened and the names of any witnesses to the incident.



## **How Can I Be Sure My Employer Reports My Claim?**

Your employer must report your claim to the Idaho Industrial Commission (IIC). They do this by filing a First Report of Injury form.

Sometimes an employer may neglect the importance of this filing. If your employer fails to report your claim, you may lose your rights to compensation.

Here is how you can make sure your report was filed:

- ✓ Ask your employer.
- ✓ Request a copy of the report.
- ✓ Call the IIC to confirm they received it.

If you need to, you can complete the First Report of Injury form yourself and bring it to your employer to sign. You can then deliver it to the IIC.

You can download the First Report of Injury form at [www.idahosif.org/info/claims/AccidentOccurs](http://www.idahosif.org/info/claims/AccidentOccurs)



## **How Much Time Do I Have to File a Lawsuit?**

Depending on your case, you have either one year or five years from the date of your work accident to file a Complaint (lawsuit) for money benefits.

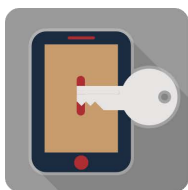
But sometimes, you can file a Complaint beyond five years.

This is why you need to call a trusted attorney to review your case, explore all your options and to make sure you don't miss your time line.

Insurance companies and adjusters use a number of tactics to limit their liability in workplace injury cases.

Some will even use their own doctors to return injured people to full work duty too early, so the insurance company does not have to pay for more treatment.

We know the insurance company tactics and will confidently deal with them for you.



## **What Can I Get in** **Legal Compensation?**

Generally speaking, the Idaho legislature has set laws outlining what financial benefits may be recovered by an injured worker. These benefits include:

- Past, ongoing and future medical care.
- Partial wage loss compensation during your medical recovery.

- Partial mileage costs for trips to and from medical care.
- Money benefits for permanent injuries.
- Disability benefits and sometimes lifetime monthly checks.
- Retraining benefits when you are unable to return to your old job along with pay while you train.
- Sometimes you can win attorney fees if the employer or insurance company is unreasonable.



## Should I Try to Manage My Own Claim?

Although a few people choose to work their injury case on their own, I don't recommend it.

An insurance industry study revealed **people who hired a lawyer received an average of more than 3.5 times more money** in their pocket - after paying their attorney - than victims who did not hire a lawyer.

People who hire a good attorney recover much more for themselves and are spared all the hard work that goes into winning a case.

If you do attempt to represent yourself, be aware you are facing professionals who fight cases like yours every day.

If you have serious injuries, there is too much to risk to go forward without professional help.

The insurance companies have lawyers protecting their interests. You need the same protection.

Likely, you will not get a full financial recovery on your own.

An experienced attorney can get you full compensation, benefits and justice.

It's never too soon to speak with an attorney to help you decide the right course of action.

People call Skaug Law either right away or when they hit a snag in their recovery or aren't getting cooperation from the insurance company doctors.

Skaug Law offers this initial consultation for free.

You will learn your rights and the actions are available to you.

To speak with an injury attorney, call 208-466-0030, or connect with us at [www.skauglaw.com](http://www.skauglaw.com).



## **It is Important to Seek Medical Treatment**

Even if you were treated and released at an emergency room, you should request a thorough examination by your doctor soon after the incident.

Injuries can be hidden at first. If they are not noted by a physician, it may be hard to recover compensation for them.

Rotator cuff tears in the shoulders, spine injuries and concussions are frequently missed in the emergency room.

Tell your doctor your first priority is getting better and you will do whatever it takes to make a complete recovery.

Give your doctor as much detail as possible about your injuries, without exaggerating.

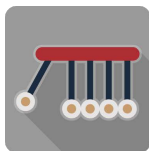
Show what portions of your body were affected and any bruises. Describe any soreness.

Include whether you lost consciousness and if you are having vision or memory problems.



Be prepared to describe your pain:

- sharp or dull?
- burning, tingling or numbness?
- how long does it last?
- what activities aggravate the pain?
- what medications have helped?



## **What if I'm Not Getting the Medical Treatment I Need?**

Injured people often find they are declined for treatment or surgeries they feel they need.

Others see little progress in physical recovery even though they carefully follow the doctor's plan.

Insurance company doctors don't like to bite the hand that feeds them and can save the insurance company money by denying treatment options to injury victims.

If you suspect your doctor is blocking your recovery, consulting an attorney can help you break through to get the correct treatment you need to recover.



## **What if I Can't Afford My Medical Treatment?**

Most injured people receive the treatment they need, even if they are financially challenged

You may need the help of an injury attorney to guide you through the maze of payment alternatives.

Your attorney may also be able to make arrangements where the doctor agrees to provide care and be paid later from the recovery you receive.



## **I'm Being Hounded By** **Creditors**

It can take a long time to begin receiving workers' compensation benefits.

Even with a solid claim and an experienced workers' compensation attorney on your side, it may take several months to begin receiving the money your family needs.

Your creditors don't care.

They want their monthly payments and they are ready to file a lien against you for the money.

Skaug Law takes your workers' compensation case to the next level.

We will work with your creditors to prevent a negative credit report and avoid liens being placed against your benefits while you are waiting for coverage to begin.



## **How Can I Stop Medical Liens?**

We know that times are tough for families when one of the primary wage earners is unable to work because of an injury.

We look at every possible opportunity to help you find the money you need to get through the tough times.

We will also help you find options for reduced medical bills. This can mean looking at your own insurance and fighting for compensation from a third party who may be held liable for your accident.

We don't stop fighting for you.

Before you lose more sleep over paying your bills or having a medical lien placed against you, talk to one of our attorneys.

The Skaug Law team will go to work immediately to help work with your creditors and avoid medical liens.

We will concentrate on helping you reduce medical bills while you concentrate on regaining your health.

Call or Click 208-466-0030 / [www.skauglaw.com](http://www.skauglaw.com)



## What's Really Going On at The Insurance Company?

Insurance companies are in business to make money for their shareholders. Insurance companies lose money when they are forced to pay for claims.

They use a number of tactics to minimize compensation or keep from paying any claims.

While injury attorneys are often accused of being ambulance chasers, it is often the insurance companies who show up in the hospital or at victim's homes, pressuring seriously injured victims and their families to agree to settlements far below what they are entitled to receive.

We often hear from people about how the insurance adjuster, who seemed like such a nice person before, suddenly turned and demanded they take or leave their lowball offer.

Be careful that insurance company tactics don't keep you from the treatment you need or the compensation you deserve.



## **What Your Insurance Company Doesn't Want You to Know**

- **Insurance adjusters try to corner injury victims in tape-recorded statements.**
- **Insurance companies send patients to doctors of their own choosing.**
- **Insurance adjusters work to minimize an injury and the amount a person can claim.**

Be careful that insurance company tactics don't keep you from the treatment you need or the compensation you deserve.

Speak with a knowledgeable attorney before discussing your case with the insurance companies-- even your own.

It is possible for victims to win substantial sums from insurance companies who have cheated victims from their rightful compensation.



## Should I Give a Statement to the Insurance Company?

**Do not give ANY recorded statements to an insurance representative or anyone else until you have a free consultation with an attorney and understand your rights.**

Anything you say can be used against you to limit your claim.

Tell the insurance company, “I need to speak to an attorney before giving any statements.”

**Do not sign anything until you have talked to a lawyer.**

Skaug Law injury attorneys offer a free consultation.

Call 208-466-0030 or click [www.skauglaw.com](http://www.skauglaw.com)



## **The Steps to** **Win Your Case**

If you are injured while working, you are taking great risks if you move forward without professional help.

Your opponents, the insurance companies, have lawyers protecting their interests.

You need the same protection.

With an attorney, you will no longer be facing the insurance specialists alone.

You will have the experience of your own legal and investigative team on your side.

One of the rewarding parts of an attorney's job is getting his or her client much more money than they expected.

The right attorney can get you full compensation, benefits and justice.

The infographic on the next page shows how a typical workers' compensation case progresses.



# the steps to WIN your work injury case.





## Is it Worth It to Hire An Attorney?

As mentioned earlier, an insurance industry study revealed **people who hired a lawyer received an average of more than 3.5 times more money** in their pocket - after paying their attorney - than victims who did not hire a lawyer.

In workers' compensation cases, most law firms are paid 25% of the amount they recover for you.

The attorneys at Skaug Law work on a contingency basis, which means you don't pay any fees unless you win your case.

You do not have to pay high hourly fees up front or as the case progresses.

Your attorney is motivated to get the maximum recovery because she/he will also receive more pay.



## How Can an Injury Attorney Help You?

People come to us for clarity.

They come to know their options.

They come because they're frustrated.

They come for relief from medical bills.

People come because they are overwhelmed.

They come to get the load off their backs.

They come because their claims were denied.

They come to fight back.

People come for access to better medical care.

They come because they can't work like before.

They come to secure their futures.

They come for justice.



## How Do I Find The Right Attorney? for Me?

**Good reviews.** Google the law firm, look at their ratings and read the client reviews.

**A local, experienced law firm.** Many firms make themselves appear to be local, when in fact most of their attorneys and legal staff are out of state.

**Provides the answers I seek.** Visit the law firm's web page to see how they communicate. Do they offer free and helpful information for your questions?

**Is respected for their integrity and success.** Ask people you know. Also, see if there are unsettled complaints with the Better Business Bureau. ([www.bbb.org/](http://www.bbb.org/))

**Speaks plainly, connects with me and gives clear advice.** At Skaug you can speak with an attorney on your first call and continue with that lawyer until you win your case.



## **Be Careful of Some Law Firms!**

Some law firms “cherry pick” injury cases and settle them as quickly as possible.

They recover less money, but make money for themselves by turning over a high volume of cases.

This high-volume/quick-settlement scheme does not give their clients the best results.

You should also avoid ambulance chasers-- the lawyers who show up in your hospital room or at your door, eager for you to hire them.

Reputable lawyers do not show up uninvited.

Established firms receive their clients primarily from community reputation and word of mouth-- friends telling friends.

Quality attorneys are too busy winning cases to spend time cold-calling injury victims.



## Meeting With An Attorney

Meeting with an attorney does not obligate you to hire them.

During your meeting, complete your evaluation of whether he or she cares about you, gives clear advice and should be the one to represent your case.

Things to look for in your meeting.

- ✓ Took my situation seriously and cares about me.
- ✓ Answered my questions in a way I could understand.
- ✓ Office appears well organized.
- ✓ Has support staff to keep things moving.
- ✓ Wins for their clients.



## **What Should I Bring** **To My Meeting?**

- Medical records related to your injury.
- Photos of your injury taken soon after it happened.
- Contact information for witnesses to your incident.
- Bills you are having difficulty paying.

## who is **SKAUG LAW?**



Skaug Law attorneys have helped thousands of injury victims win their injury case.

Attorney profiles at [www.skauglaw.com/attorneys/](http://www.skauglaw.com/attorneys/) If you have been injured or lost a loved one in an accident of any kind, you have a friend at Skaug Law.

Since 1992, we have been building a legacy as Idaho's preeminent injury law firm by caring for people and helping them fight against insurance companies and corporations.

Our clients rest easy knowing we are—

- dealing with the insurance companies.
- investigating for the best outcome.



- gathering evidence for full compensation.
- meeting legal deadlines and all of the paperwork.
- building a winning case.

Skaug Law handles a broad range of injury claims resulting from work-related accidents, such as carpal tunnel syndrome, back injury, knee injury, spinal cord injury, head injury, collisions and wrongful death claims.

Our lawyers provide attentive support, trusted counsel and relentless advocacy on behalf of injured workers and the families of fatal work accident victims in workers' compensation cases involving:

- Construction site accidents.
- Farming accidents or farm injury.
- Office or workplace accidents.
- Car accidents on the job.

When a third-party such as a subcontractor or a negligent driver is responsible for your accident, you may have a personal injury claim against that party in addition to your workers' compensation claim.



## CLIENT BILL OF RIGHTS

When you call Skaug Law you have the right to—

- **free answers** about your injury case.
- **clear explanations** of your legal rights and options.
- **no payments up front.**
- **pay no fee unless you win** your case.
- **win full compensation, benefits and justice.**



[www.skauglaw.com](http://www.skauglaw.com)

208-466-0030

**about the**

## **AUTHOR**

A native of southern Idaho, Bruce Skaug's ancestors homesteaded near Lizard Butte in Canyon County.

Bruce graduated from the University of Idaho College of Law in 1988 and served for three years as a trial attorney for the Ada County Prosecutor's Office in Boise.

In 1992, he began civil practice with the Goicoechea Law Office in Nampa with an emphasis on personal injury, wrongful death and workers' compensation litigation.

After 23 years of successfully representing injured people, and gathering a growing team of attorneys and support staff, Bruce changed the law firm name to Skaug Law, PC.

Bruce has recovered millions of dollars for his clients in verdicts and settlements.

Bruce and Debbie Skaug have been married for more than 30 years. They have six children and two grandchildren.

You can see Bruce's full C.V. at [www.skauglaw.com/attorneys/bruce-d-skaug/](http://www.skauglaw.com/attorneys/bruce-d-skaug/)



**Bruce D. Skaug  
Injury Attorney**

**FREE** review and answers  
from a friendly attorney.  
Call 208-466-0030 (24 hours)

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win

# **MAXIMUM MONEY**

for your injury.

- ⇒ Arm & protect yourself with the facts.
- ⇒ Break through insurance company roadblocks.
- ⇒ Triple your compensation (page 8).

**We are here to help.**

**208-466-0030**



Skaug Law, PC  
Nampa, Idaho