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WORKERS'  
COMPENSATION

SOCIAL SECURITY  
DISABILITY

LONG-TERM  
DISABILITY



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## The dangers of settling a workers' compensation case without an attorney.

For some victims of work-related injuries, taking a cash settlement makes solid sense. For other injured workers, signing away future benefits and rights could be disastrous.

Pennsylvania law allows you to take a lump sum workers' compensation settlement of your wage loss benefits, your medical benefits, or both.

In exchange, you waive your rights to additional claims and future benefits arising from the work injury.

**CAUTION!** Once a judge approves your workers' compensation settlement, it is basically impossible to undo.

### 5 Advantages of Lump Sum Settlement

- Settling your claim puts the money in your pocket now instead of weekly benefits over several years.
- You are free to return to work and earn as much as you want.
- You no longer have to worry about defense medical exams.
- The insurance company won't send private eyes to catch you being "not disabled."
- The money is there for your family if you die. (Otherwise, benefits cease with death.)

### 3 Reasons Not to Settle Your Case

- The insurance company's best offer is not adequate.
- If your future medical expenses will be very large and you do not have other insurance to cover it, you will be on the hook.
- Your employer is off the hook for unforeseen complications of your injury.

### Let's Look at Your Case Together

Ever since Pennsylvania workers' compensation law was amended to allow lump sum settlements, it has been one of the first things that our clients ask about. We are happy to sit down with you to explain the good and the bad of settling your claim so that you can make an informed decision that is right for you and your family.

Together we will consider dozens of factors before advising settlement: Do you plan to work? What type of injury did you sustain? How much is the offer? Is the employer litigating to terminate benefits? How solid is your disability claim? Who is the insurer? And, most importantly, what do you want?

*If you or someone you know is in need of assistance with a workers' compensation settlement matter, please contact us at 215-587-8400 or info@paworkinjury.com.*

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## A 2011 Best Place to Work

Martin Banks has been ranked number 13 for medium sized companies on the Philadelphia Business Journal's 2011 Best Places to Work. This is Martin Banks first year to be named on the Best Places to Work list, which we could not have done without the help of our amazing and dedicated employees. Martin Banks was nominated for this honor earlier in the summer and our employees were asked to fill out an anonymous online survey. This survey rated employee satisfaction in numerous categories including team effectiveness, which is an extremely necessary component of our law firm.

Martin Banks partner, Al Carlson attended a private cocktail and networking event that revealed the rankings and awarded to top ranked companies on Thursday, October 13.

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## Winter Preparation Tips

**Control unwanted air flow** – One of the most common ways to lose heat during the winter is from unwanted leaks around doors and windows. An easy solution is to examine the area around windows for leaks and fill them with caulk or replace the insulation. Door shoes or door snakes are an easy

fix to seal the gaps underneath doors, while foam weather stripping can be applied to the sides of door frames.

**Space heater safety** – Space heaters are seen as an efficient way to heat a room, however they pose numerous fire hazards. They are not meant to be the only means to heat a home, but rather as a supplemental heating source. Make sure to keep small children and flammable materials away from space heaters. Also, do not use while unattended or with an extension cord. If needed Philadelphia Gas Works (www.pgworks.com) has numerous assistance programs listed to reduce sole reliance on space heaters during the cold months.



**Winterize your vehicle** – With the leaves falling and cold weather approaching, it is necessary to make sure that your automobile is safe for travel. Check that tires have the appropriate pressure and that the tires are not bald to help with stopping on slippery road surfaces, covered in ice or wet leaves. Try and get your automobile in for a basic tune up to make sure all systems are in working order, especially your cooling system. When traveling in the winter weather be sure to carry emergency equipment in your vehicle including jumper cables, a flashlight, flares, first-aid kit, basic hand tools and cell phone with car charger.



*“The best part of my job is the feeling of accomplishment in that I help people everyday.”*

Above: Partner, Al Carlson with Social Security Disability Paralegal, Denisse Sanchez

## Team Contacts

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# Robbery Found To Be “Normal” Working Condition

In Pennsylvania, in order to obtain workers' compensation benefits for a mental injury, an employee must prove that he or she was exposed to “abnormal working conditions and that his or her psychological problems are not a subjective reaction to normal working conditions.”

A Pennsylvania appellate court recently held that a Bucks County liquor store employee, who suffered from post-traumatic stress disorder after an armed robbery, had not been subjected to abnormal working conditions, because similar robberies had occurred in Philadelphia for the past eight years.

As quoted in *The Pennsylvania Law Weekly*, Al Carlson said, many of the incidents cited also did not have as extreme circumstances as his client's incident, in which he was prodded with a gun to the back of his head. Carlson is “very upset that the Commonwealth Court would find that way in this particular fact pattern.”

He added it's “hard to understand why the Commonwealth Court would not allow someone who was victim of an armed robbery any workers' comp benefits,” noting the sharply divided panel. “I would hope society has not deteriorated to the point where getting robbed by a gun to the back of the head would be considered a normal working condition.”

“This is how absurd it is: If he had been killed, his widow would have received workers' comp benefits,” Carlson said. “But because he was able to follow protocol and save himself and his co-worker... he doesn't get anything, despite the fact that both medical experts found him to have suffered from post-traumatic stress disorder as a result of the work-related event.”

Attorney Carlson has filed an appeal to the state Supreme Court.



## Call to Action!

### House Bill 808

Your right to be treated for your work injuries by a doctor of your choosing is under attack in Pennsylvania. The House of Representatives will vote on HB 808, which extends the time period for captive treatment with a panel doctor from 90 days to 180 days (6 months). This is the insurance companies' version of rationed medical care.

*This is not just a bad bill, it is bad medicine.*

It will deprive injured workers' of the right to select their own medical provider and limit access to quality medical care.

**Please contact your legislators today and ask them to vote NO to HB 808.**

## Elected and appointed



« « **GEORGE MARTIN AND MATT WILSON** have been selected by their peers for inclusion in the 2012 edition of *The Best Lawyers in America*® for Workers' Compensation Law - Claimants. George first appeared on this list in 1995 and Matt was first listed in 2010.

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**MARTIN BANKS** has been selected for inclusion in the 2012 edition of U.S. News and World Report *Best Law Firms*® for Workers' Compensation Law - Claimants. (Copyright 2011 by Woodward/White, Inc., of Aiken, S.C.)

**MATT WILSON** assumed the role of Secretary for the Workers' Compensation Law Section Council of the Pennsylvania Bar Association at the Fall Section Meeting in September.

## Speaking engagements

**GEORGE MARTIN** was a guest lecture at the 27th Annual Pennsylvania Bar Association's Workers' Compensation Fall Section Meeting held in Hershey, PA.

**AMIT SHAH** was recently a guest speaker at the Philadelphia Bar Association Workers' Compensation Section CLE Program on the topic “Workers' Compensation Issues Involving the Large Employer.”

**JOHN DOGUM** will be speaking to a risk management and insurance consulting company about workers' compensation matters from the claimants perspective on November 8.

**AL CARLSON** will be speaking at the Southeastern Pennsylvania Judge's Conference about on Structured Settlements in Workers Comp Matters on November 9.

**MATT WILSON** will be speaking at a seminar in Harrisburg sponsored by the Pennsylvania Chiropractic Association focusing on documentation, coding and reimbursement on November 12.

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# VOTE

For information on when, where and how to vote visit the Pennsylvania Department of State's online voting information and resource center at [www.votespa.com](http://www.votespa.com)

Find us online to keep up with all the latest news!



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

## Important Election Information

In Pennsylvania, the court which has the greatest impact on the rights of injured workers is the Commonwealth Court. The Commonwealth Court interprets the Workers' Compensation Act, and for the most part, their interpretation of the Act becomes the law of the land. In recent years, the Commonwealth Court has been dominated by Judges who have a judicial philosophy closely aligned with corporate interests and decisions have not been helpful for the rights of injured workers.

This November 8, 2011 there will be an important race for a seat on the Commonwealth Court. Kathryn Boockvar, who is the Democratic candidate for it, has worked her entire legal career fighting for the rights of individuals and against the corporate interests that seek to limit them. Learn more about Kathryn at [www.boockvar.com](http://www.boockvar.com).

*On November 8, 2011, you have an opportunity to help injured workers by voting for Kathryn Boockvar for Commonwealth Court.*

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WORKERS' COMPENSATION ■ SOCIAL SECURITY DISABILITY

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