

Deadlines draw near for filing Ground Zero-related compensation claims

If you sustained an injury or illness as a result of working or volunteering in the vicinity of Ground Zero in 2001, you may qualify for medical care and/or compensation.

There are two distinct programs that offer compensation for injuries, illnesses and ill-health resulting from work or volunteer work in the vicinity of Ground Zero. One is a state program, New York State Workers' Compensation. The other is a federal program, the September 11th Victim Compensation Fund. Workers and volunteers who are eligible for compensation from one program may also be eligible for compensation from the other. Anyone who may be eligible should consider the eligibility requirements of both programs, as explained below, before deciding where to apply, or call NYCOSH for assistance.

Anyone with the symptoms of an illness that was caused by exposures in the vicinity of Ground Zero may be eligible for compensation. Many medical conditions may result from World Trade Center exposures, including respiratory, nasal and sinus, gastrointestinal and psychological conditions.

Many people who worked on the rescue, recovery and cleanup are experiencing medical problems but are unaware of the connection between their symptoms and their work around the World Trade Center.

Medical conditions that may be eligible for free medical care and compensation include:

- sore throat
- hoarse voice
- chest tightness
- shortness of breath
- persistent cough
- wheezing
- increased shortness of breath or chest tightness with exposure to any of the following: exercise or physical activity, cold air, cigarette smoke or other types of smoke, vehicle exhaust, household cleaners, or perfumes

(These symptoms may be associated with bronchitis, asthma or reactive airways disease.)

Other symptoms that may result in compensation:

- nasal or sinus congestion
- runny nose
- facial pain
- headache
- nasal discharge
- persistent throat clearing or cough
- postnasal drip

(These symptoms may be associated with rhinitis or sinusitis.)

Other symptoms are:

- inability to tolerate certain foods
- chronic indigestion
- persistent throat clearing or cough
- burning sensation in the chest

(These symptoms may be associated with gastrointestinal reflux disease.)

Psychological symptoms include:

- depression
- anxiety
- panic attacks
- easily startled
- irritability and agitation
- excessive exhaustion
- feeling detached from family or friends
- lack of interest in usual activities
- difficulty concentrating
- nightmares
- flashbacks
- difficulty sleeping
- increased use of alcohol, drugs, and/or tobacco

**THE FILING DEADLINES
ARE APPROACHING!**

Workers' Compensation

What is the deadline to file a Workers' Compensation claim?

The deadline for filing a workers' compensation claim depends on a number of complicated factors. Workers who develop symptoms or become ill as a result of an exposure at the World Trade Center site have two years from when they knew or should have known that their symptom or illness is related to their work at the site, or two years from when they become disabled by their symptom or illness. **Workers with injuries have two years from the date of the injury to file a claim. Anyone with a symptom that is connected to an incident or exposure at the World Trade Center site should attempt to file a claim within two years of the onset of the symptom, if possible.** Even if more than two years have elapsed, however, NYCOSH recommends filing a claim, because the date that marks the beginning of the 2-year time limit may later than a claimant realizes.

What is involved in filing a state Workers' Compensation claim?

In order to start your Workers' Compensation claim you must file a "C-3 form." The "C-3 form" is available from the New York State Workers' Compensation Board.

If you are uncertain whether to file a workers' compensation claim, filing a "C-3 form" will "stop the clock" and preserve your right to file a claim. Once you file the "C-3", you will eventually need medical documentation stating that your illness or injury is a result of your WTC work. Filing the "C-3" gives you additional time to get the rest of the paperwork in order. Volunteers may be asked to fill out the form "WTC VOL-3" instead.

To obtain a "C-3", contact the Workers' Compensation Board at 800-877-1373. Anyone who needs more information or assistance filing a "C-3"

should contact NYCOSH at 212-627-3900 ext. 18.

Some workers are eligible to file workers' compensation claims in other states for injuries or illnesses that occurred around Ground Zero. For example, Port Authority employees can file in New Jersey and anyone working for a company with headquarters in another state may file in that state. Contact your state workers' compensation board for more information. Filing deadlines may vary.

Not everyone who files for Workers' Compensation will receive benefits. Workers' Compensation claims go through a legal process during which you have to provide medical and other documentation for your claim. Whether you will receive compensation or not is determined by the New York State Workers' Compensation Board.

Some of the benefits provided by Workers' Compensation are:

- **Medical Care** If you receive Workers' Compensation for your WTC-related illness or injury, your medical care for that particular injury or illness may be provided for the rest of your life – even if you are no longer doing the same work or if you are not working at all.
- **Medications and Travel Expenses** Workers' Compensation pays for the cost of travel to your doctors and the cost of medications you need for your WTC-related illness.
- **Wage Replacement and Other Cash Compensation** Workers' Compensation may provide partial wage replacement for time you lose from work because of your illness or injury. There is other cash compensation available as well, depending on how extensive your injury or illness is.

Victim Compensation Fund

What is the deadline to file a federal Victim Compensation Fund claim?

The deadline for filing any claim with the federal September 11th Victim Compensation Fund is **December 22, 2003.**

What is involved in filing a federal Victim Compensation Fund claim?

You may be eligible for cash compensation, including compensation for pain and suffering, if you meet the following criteria:

WHO: Rescue and recovery workers. Most workers and volunteers who performed rescue, recovery, or clean-up work will qualify if they meet the following requirements:

WHERE: Present at the Ground Zero site

WHEN: Rescue, recovery, and clean-up workers must show proof that they were present at Ground Zero at some point in time between 9-11-01 through 9-15-01. Proof of presence is accomplished by an affidavit from

an employer, union, NYPD, FDNY, other government agency, or from a volunteer-based service, such as the Red Cross, Salvation Army, etc. Affidavits from other rescue workers may also be considered.

WHAT can be compensated by the Victim Compensation Fund:

- ❑ **Physical Injuries** Claimants, other than rescue workers, with physical injuries other than pulmonary or sinus injuries, must have received medical treatment within 72 hours of 9-11-01. For rescue workers, the Special Master has the discretion on a case-by-case basis to extend the 72-hour rule.
- ❑ **Pulmonary and/or Sinus Injuries** These injuries are generally not diagnosable within 72 hours, so later

medical diagnosis relating these injuries to exposure at Ground Zero is acceptable.

- ❑ **Post-Traumatic Stress Disorder** The Victim Compensation Fund will not compensate for Post-Traumatic Stress Disorder (PTSD) alone. However, if you have a documented physical injury, a diagnosis of PTSD can be included in your claim the Fund.
- ❑ **Lost Wages** The fund will provide compensation if you became disabled and lost time from work or have lost earnings potential and have not been compensated from another source, like Workers Compensation.

Other services for anyone injured or made ill near Ground Zero

All rescue, recovery and cleanup workers at Ground Zero and at the Staten Island landfill are eligible for free medical screening at the World Trade Center Worker and Volunteer Medical Screening Program even if you have no symptoms. This program is being conducted by a consortium of occupational medicine providers, under the direction of The Mount Sinai Center for Occupational & Environmental Medicine in partnership with the Centers for Disease Control and Prevention/National Institute for Occupational Safety & Health. For workers and volunteers who came to New York City from other parts of the country, medical screenings are being conducted throughout the U.S. To schedule an appointment for a screening, call 888-702-0630

If you have symptoms that you believe are a result of a World Trade Center exposure, you may also contact the Health for Heroes Program of the Mount Sinai Center for Occupational & Environmental Medicine at 212-241-9059. The Health for Heroes Program can offer diagnosis and treatment for people who became ill as a result of their participation in the World Trade Center rescue, recovery and clean-up efforts.

There are no out-of-pocket expenses at the World Trade Center Worker and Volunteer Medical Screening Program or the Health for Heroes Program.

If you believe you may be entitled to Workers' Compensation or to the September 11th Victim Compensation Fund, call the September 11th Compensation Hotline at the New York Committee for Occupational Safety and Health—212-627-3900 ext. 18.

Don't delay. These benefits can last for many years to come, but you will lose out if you don't file on time.

For more information:

New York State Workers' Compensation Board:
800-877-1373; <http://www.wcb.state.ny.us>

New York State Advocate for Injured Workers:
800-580-6665; <http://www.wcb.state.ny.us/content/main/InjuredWorker.htm>

September 11th Victim Compensation Fund:
888-560-0844; <http://www.usdoj.gov/victimcompensation>

Published by the New York Committee for Occupational Safety & Health

NYCOSH's 9/11-related work is conducted in partnership with the United Church of Christ's National Disaster Ministries, with additional support from the September 11th Fund created by the United Way of New York City and the New York Community Trust. Sept. 2003



**NEW YORK COMMITTEE FOR
OCCUPATIONAL SAFETY & HEALTH
275 Seventh Avenue, 8th Floor
New York, New York 10011**

PHONE: (212) 627-3900 FAX: (212) 627-9812
E-MAIL: nycosh@nycosh.org WEBSITE: www.nycosh.org