

FROM THE GROUND UP

ISSUE #2

Did 9/11 Clean-up work make you sick?

YOU COULD BE ELIGIBLE FOR WORKERS' COMPENSATION

What is Workers' Compensation?

Workers' compensation is an insurance system for people who are hurt or are made sick from their work. If you worked on the 9/11 clean-up and you are sick from that work, here is some information on how you can file a workers' compensation claim in New York State.

All employers in the state must provide workers' compensation coverage for their employees. You are covered starting from the first day you worked. Workers who are not U.S. citizens, even undocumented workers, are covered.

It doesn't matter how long you did clean-up work, and it doesn't matter if you were paid in cash or by check – your employer still must provide coverage for all its workers.

What are the Benefits?

Workers' compensation provides four kinds of benefits: Medical Care, Lost Wages, Other Cash Awards and Rehabilitation.

1. Medical Care

If you win your case, your medical expenses may be paid for as long as you need it, possibly even for the rest of your life. This includes paying for doctors' visits, medical procedures, physical therapy, medications and travel to and from the doctor.

2. Lost Wages

If your illness caused you to lose more than one week of work from your regular job, you may receive part of those wages.

3. Other Cash Awards

Depending on your case, you may also be eligible to receive additional payments. Talk with your case worker and your lawyer about these benefits.

4. Rehabilitation

If you are unable to work because of your injury, you may be eligible for a rehabilitation program that will teach you new job skills.

How Do I Get Workers' Compensation Benefits?

If you are sick as a result of your 9/11 clean-up work, you must take these steps to be considered for any benefits.

1. See a Doctor Right Away

Let your doctor know about any symptoms you are having. You must have a doctor determine that your injury or illness was caused by your 9/11 clean-up work. If you haven't done so already, schedule an appointment at the **World Trade Center Medical Monitoring Program (1-888-702-0630)**. If one of the doctors in the screening program **believes that your symptoms may be related to your 9/11 work, he or she will refer you to a 9/11 treatment program. If your treatment program doctor finds that you have a work-related illness or**

injury, he or she must fill out a Workers' Compensation medical form C-4. You need to fill out a form C-3 to begin your case.

2. Notify Your Union (if you belonged to one)

If you were a member of a union at your 9/11 clean-up job, notify them as well so that they may assist you in filing your claim. Some unions have Workers' Compensation lawyers that handle cases for their members.

3. File a Claim with the Workers' Compensation Board

You must complete and submit a form (Form C-3) officially notifying the Workers' Compensation Board that you are filing a claim. You can get a copy of the Form C-3 by working with a case manager or a workers' compensation lawyer, or by calling the Workers' Compensation Board at 1-800-877-1373 or on the internet at:

www.wcb.state.ny.us/content/main/form/c3.pdf. If you have a case manager or a lawyer, ask him/her to assist you with filling out this form to ensure that it is done properly. **If you do not file on time, you will lose your right to receive benefits. You have two years to file your claim from the time that you knew your illness is related to your work at Ground Zero.** This is a long process, so the later you file your claim, the longer it will take to receive benefits.

Form C-3 that you fill out and Form C-4 from your doctor must both be submitted **before** the Workers' Compensation Board will establish your case. Once your C-3 claim is filed, you will receive a Case Number from the Board within one month.

Do I Need a Lawyer?

You do not need a lawyer to file a claim; however, **it is almost always a good idea to consult with an experienced workers' compensation lawyer, and to work with a case manager to help you.** This is especially true if you do not speak English well, your case is complicated, or your claim is disputed.

You should never pay out-of-pocket fees. If you win your case, a judge will decide what fee the lawyer receives. This fee will be paid directly from your award to the lawyer.

Employers often dispute claims, so even with a lawyer you will need to be persistent in pushing your case. (You may need to be persistent with your lawyer as well!) Don't be afraid to ask questions if you don't understand what is happening. Keep copies of all records, papers and letters and show them to your lawyer or legal representative. Keep track of all deadlines and dates for appointments and meetings to prevent delays.

If you have any questions regarding workers' compensation, call:

New York Committee for Occupational Safety and Health

NYCOSH is a non-profit organization that is dedicated to the right of every worker to a safe and healthy workplace.

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