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What Factors Determine The Viability Of A Workers' Compensation Claim?
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What factors determine the viability of a workers' compensation claim in Florida? Call personal injury attorney Keith Warnock for a FREE consultation: (386) 675-1148.

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What Factors Determine The Viability Of A Workers' Compensation Claim?

To have a viable workers' compensation claim you first must be an employee. Second, you must be working for your employer at the time of your accident. So long as you are an employee and your employer has worker's compensation coverage in place and you are working at the time of your accident then you are covered under your employer's workers' compensation insurance. Fault is not a factor in determining whether you are entitled for workers' compensation benefits. Even if the accident is your fault, assuming that you do not intentionally hurt yourself, you are still entitled to receive workers' compensation benefits. As long as you are working, an employee, and you get hurt, we can help you obtain much needed benefits.

Are There Any Types Of Injuries That Are Not Covered By Workers' Compensation?

Worker's compensation does pay for any type of injury that's on the job, whether it's a broken arm or back injury, neck injury, or eye injury. However, you are not entitled to receive compensation for pain and suffering.

What Are Some Reasons That Workers' Compensation Claims Are Initially Denied?

DELAY IN FILING YOUR WORKERS' COMPENSATION CLAIM

In Florida if you fail to notify your employer of your injury within 30 days the employer may deny your claim.

Offsite Injury

Claims are commonly denied if your accident did not happen at work. To qualify for workers' compensation benefits you must be injured in the "course of employment". Typically this means that you are injured at the work place while performing work duties. So if you are injured outside of work and are not conducting any business for your employer, your claim may be denied.

Pre-existing Injury

The insurance carrier may deny your claim if you had a pre-existing injury to the same body part that you injure on the job. For example, if you previously treated for a back injury, and then you re-injure your back while picking up a heavy box at work the insurance carrier may try to deny your claim. The insurance carrier may argue that any medical treatment that you need is related to the pre-existing back injury as opposed to the new worker's compensation injury.

In general, a pre-existing injury does not disqualify you from receiving workers' compensation benefits. In Florida workers' compensation will cover any aggravation or worsening of your condition caused by the work accident.

Positive Drug Test

Following a work accident the employer may require you to submit to a drug test. If you test positive for an illegal substance there is a presumption that your work injury was caused by the use of the drugs. This may result in the denial of your workers' compensation benefits. However, you can still win your workers' compensation claim even if you test positive. The employer will have to show that they administered the drug test properly and correctly. You are also entitled to rebut the presumption that the work injury was caused by the use of drugs.

If your workers' compensation claim is denied, for whatever reason, you should contact a qualified experienced workers' compensation attorney for representation.

For more information on **Viability Of Workers' Compensation Claim**, a free initial consultation is your next best step. Get the information and legal answers you are seeking by calling **(386) 675-1148** today.

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