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# I WAS INJURED AT WORK, NOW WHAT?

NAVIGATING WORKERS' COMPENSATION IN OHIO

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# INTRODUCTION

If you've been injured at work, workers' compensation can provide crucial benefits like covering medical bills and lost wages. However, navigating Ohio's workers' compensation system can be complicated, especially when you're focused on recovering. This guide will walk you through each step of the process, from reporting your injury to appealing a denied claim, in a clear and easy-to-understand way.

By following this guide, you'll gain a better understanding of how to:

- Report your injury.
- File a workers' compensation claim.
- Calculate your potential benefits.
- Handle a claim denial.

Let's get started with the first critical steps to take after a workplace injury.

While you can file a claim on your own, having an attorney can make a significant difference. Thomas Marchese, a workers' compensation attorney based in Columbus, Ohio, has helped countless workers secure the benefits they deserve. With his expertise, you can focus on your health while he handles the legal complexities.



Attorney Thomas Marchese

# Immediate Steps Following a Workplace Injury

If you're injured at work, taking the right steps immediately can impact your workers' compensation claim. Here's what you need to do::

## 1. Report the Injury to Your Employer

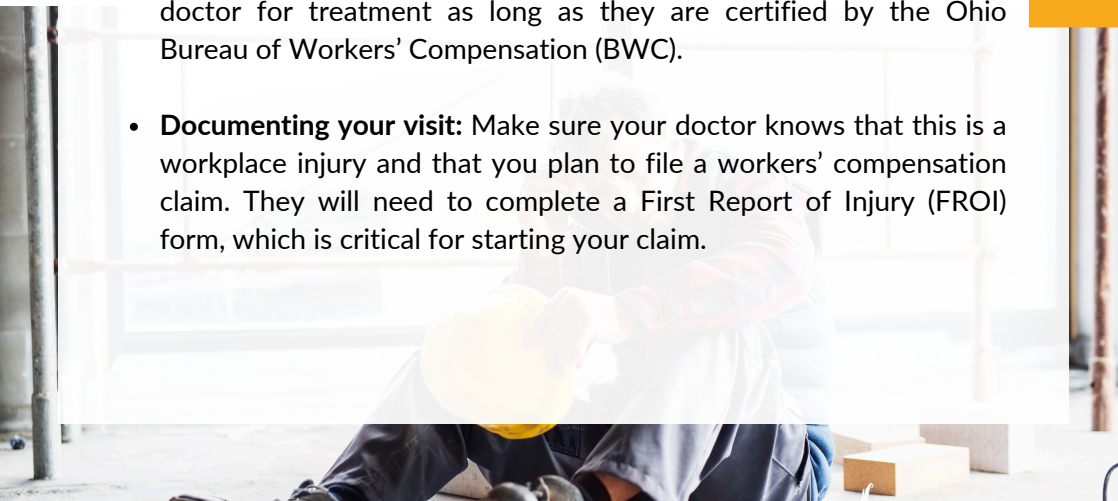
Notify your employer right away. Be clear and specific about how the injury occurred and which part of your body is affected. Reporting promptly helps protect your right to file a claim.

- **What to say:** When reporting, provide specific details about how the injury happened, when it occurred, and what part of your body was affected. Be honest and thorough, as this report will be critical if there are any disputes later.

## 2. Seek Immediate Medical Attention

Get medical treatment, even if the injury seems minor. Choose a doctor certified by the Ohio Bureau of Workers' Compensation (BWC) if possible, and inform them this is a workplace injury. Your doctor will complete a First Report of Injury (FROI), which is crucial for your claim.

- **Choosing the right provider:** In Ohio, you can choose your own doctor for treatment as long as they are certified by the Ohio Bureau of Workers' Compensation (BWC).
- **Documenting your visit:** Make sure your doctor knows that this is a workplace injury and that you plan to file a workers' compensation claim. They will need to complete a First Report of Injury (FROI) form, which is critical for starting your claim.



# Immediate Steps Following a Workplace Injury

## 3. Document the Incident

Take photos of your injury and the accident site. Gather witness statements from coworkers who saw the incident. These can help support your claim later.

## 4. File an Official Report with the Ohio BWC

Ensure the First Report of Injury (FROI) is filed with the BWC. Usually, your doctor or employer will do this, but it's your responsibility to confirm it happens quickly.

## 5. Follow Your Doctor's Orders

After receiving medical treatment, it's essential to follow your doctor's instructions closely. Whether it's rest, physical therapy, or follow-up appointments, adhering to your treatment plan will show that you're taking your recovery seriously.

- Why this matters: Deviating from medical advice could harm both your health and your claim. Insurance companies and employers may argue that you're not as injured as you claim if you're not following prescribed treatment.

## 6. Keep Records of Everything

Maintain a file with all documents related to your injury, including medical bills, reports, and communications with your employer and the BWC.

### Key Takeaways

- Report your injury immediately.
- Seek medical attention and document everything.
- File the FROI promptly and follow your treatment plan.

Following these steps ensures you've done everything to protect your rights. In the next chapter, we'll cover the process of filing a workers' compensation claim in Ohio.

# Filing a Workers' Compensation Claim

Once you've taken the necessary steps after your injury, the next crucial part of the process is filing a workers' compensation claim. In Ohio, the Bureau of Workers' Compensation (BWC) handles these claims. Here's a step-by-step guide to help you through the process:

## 1. What Is the Ohio Bureau of Workers' Compensation (BWC)?

The BWC is the agency responsible for administering workers' compensation claims in Ohio. It oversees the payment of benefits and ensures injured workers receive the medical treatment and compensation they're entitled to.

## 2. Filing the First Report of Injury (FROI)

The First Report of Injury (FROI) is the key document to begin your claim. This form officially notifies the BWC of your injury. Here's how to file it:

- **Who files it?** You, your employer, or your healthcare provider can file a claim, but it's your responsibility to ensure it's done correctly. Filing on your own risks errors that could delay or deny benefits. **Workers with legal representation are more likely to secure full benefits, with 91% seeing better outcomes in disputed cases.** An experienced attorney like Thomas Marchese can help you avoid mistakes and improve your chances of success.
- **When to file:** File as soon as possible after your injury. Delays could affect your claim.



# Filing a Workers' Compensation Claim

## 3. What Happens After Filing?

Once your FROI is filed, the BWC reviews the information and determines whether your claim will be approved or denied. You'll receive a notification with their decision. If approved, your medical benefits and wage compensation will begin.

## 4. Gather Supporting Documents

In addition to the FROI, be prepared to submit:

- Medical reports and treatment records.
- Witness statements (if available).
- Any communication or incident reports from your employer.

## 5. Keep Track of Deadlines

Ohio workers' compensation claims have strict deadlines. You generally have two years from the date of the injury to file your claim. Missing this deadline could disqualify you from receiving benefits.

### Key Takeaways

- **File the First Report of Injury (FROI) promptly.**
- **Ensure all documentation is complete and submitted to the Ohio BWC.**
- **Keep track of important deadlines to avoid delays or denial of your claim.**

Filing your claim correctly is essential for getting the benefits you need. Next, we'll explore the forms and paperwork you'll need to gather for your case.



# Gathering Essential Forms and Paperwork

Once you've filed your claim, it's important to gather and submit all necessary paperwork to ensure your case moves forward smoothly. Incomplete or missing documents can cause delays or even result in a denial of your claim. Here's what you'll need:

## 1. First Report of Injury (FROI)

As mentioned, the FROI is your primary form. It's essential to confirm that your doctor or employer has submitted it to the BWC. Keep a copy for your records.

## 2. Medical Documentation

Medical records play a vital role in supporting your claim. Ensure that you gather:

- **Initial Medical Report:** This is typically filled out by the healthcare provider who treated you right after your injury.
- **Follow-up Reports:** Keep all records from any subsequent medical visits, including test results, diagnoses, and treatments.
- **Treatment Plan:** A detailed treatment plan from your doctor outlining the care you need moving forward.

## 3. Employer's Report

Your employer may need to provide additional documents or reports regarding the incident. Make sure your employer submits any required paperwork to the BWC in a timely manner.



# Gathering Essential Forms and Paperwork

## 4. Wage Statements

Your compensation benefits will depend partly on your earnings. Gather wage statements or pay stubs from before the injury to show the BWC what your average wages were. This will help calculate your benefits.

## 5. Accident Documentation

Include any available documentation of the accident itself:

- Witness statements from coworkers or others who were present.
- Photographs of the injury and the location where it occurred, if applicable.

## 6. Keep Everything Organized

Make sure to keep copies of all documents, including emails, letters, and forms sent to or received from the BWC, your employer, or medical providers. Maintaining organized records ensures you have everything you need if there are any issues with your claim.

*TIP: A workers' comp attorney can help you gather medical records and reports, and ensure they're correctly documented and filed as needed.*

### Key Takeaways

- Medical documentation is key to proving the severity and legitimacy of your injury.
- Ensure your employer submits their required reports on time.
- Maintain a thorough file with all relevant paperwork and communication.

Having everything in order helps streamline the process and gives your claim a better chance of approval. In the next chapter, we'll discuss how to calculate your workers' compensation benefits.

## SECTION 4

# How to Calculate Workers' Compensation Benefits



Understanding how your workers' compensation benefits are calculated can help you anticipate the financial support you'll receive while recovering. The Ohio Bureau of Workers' Compensation (BWC) uses several factors to determine the amount, including your wage history and the nature of your injury.

**Here's how it works:**

### 1. Temporary Total Disability (TTD) Benefits

If your injury prevents you from working for more than seven days, you may be eligible for Temporary Total Disability (TTD) benefits. These payments replace a portion of your lost wages while you recover.

- **First 12 weeks:** You'll receive 72% of your Full Weekly Wage (FWW), which is calculated based on your wages for the week before the injury.
- **After 12 weeks:** You'll receive 66% of your Average Weekly Wage (AWW), which is based on the average of your earnings over the past year.

### 2. Permanent Partial Disability (PPD) Benefits

If your injury results in permanent damage but does not fully prevent you from working, you may qualify for Permanent Partial Disability (PPD) benefits. This compensation is based on the degree of impairment caused by your injury, which is determined by a medical evaluation.

## Gathering Essential Forms and Paperwork

### 3. Permanent Total Disability (PTD) Benefits

For workers who are unable to return to employment due to their injury, Permanent Total Disability (PTD) benefits are available. These benefits are paid at 66⅔% of your Average Weekly Wage for life.

### 4. Other Benefits

- **Lump-Sum Settlements:** In some cases, you may be able to negotiate a lump-sum settlement instead of receiving ongoing payments.
- **Medical Benefits:** The BWC covers the costs of necessary medical treatments, including doctor visits, surgeries, medications, and rehabilitation related to your workplace injury.
- **Vocational Rehabilitation:** If you cannot return to your previous job due to your injury, vocational rehabilitation services may be available to help you find new employment.

### 5. How to Calculate Your Benefits

- **Full Weekly Wage (FWW):** This is your earnings from the week before your injury. It's used for calculating initial benefits.
- **Average Weekly Wage (AWW):** This is your average earnings over the past 52 weeks before the injury. The BWC uses this to determine long-term benefits.

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### EXAMPLE CALCULATION

Let's say you earned \$800 in the week before your injury and an average of \$750 per week over the past year:

- First 12 weeks: You would receive 72% of your FWW, which equals \$576 per week.
- After 12 weeks: You would receive 66⅔% of your AWW, which equals \$500 per week.

**TIP: Workers who hire attorneys receive settlements that are, on average, 30% higher than those who handle claims on their own.**

# Appealing a Denied Workers' Compensation Claim

If your claim is denied, it can feel overwhelming, but a denial doesn't mean the end of the road. You have the right to appeal the decision through the Ohio Industrial Commission (OIC). Here's how to navigate the appeal process:

## 1. Why Claims Get Denied

Claims are denied for several reasons, including:

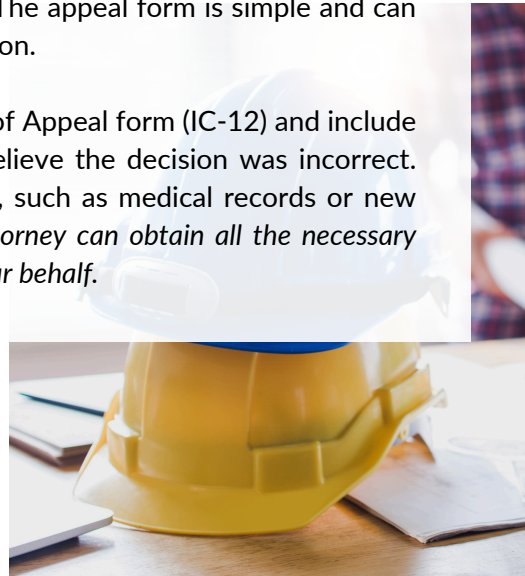
- Insufficient medical evidence.
- Missed deadlines or incomplete forms.
- Disputes over whether the injury is work-related.

Understanding why your claim was denied is the first step in crafting a strong appeal.

## 2. Filing an Appeal

You have 14 days from the date of the denial notice to file your appeal with the Ohio Industrial Commission. The appeal form is simple and can be submitted online, by mail, or in person.

- **How to file:** Complete the Notice of Appeal form (IC-12) and include a brief explanation of why you believe the decision was incorrect. Attach any supporting documents, such as medical records or new evidence. *TIP: A workers' comp attorney can obtain all the necessary paperwork and file the appeal on your behalf.*



# Appealing a Denied Workers' Compensation Claim

## 3. The Hearing Process

Once your appeal is filed, a hearing will be scheduled, typically within 45 days. At the hearing, you can present evidence and arguments to support your case.

- **First-Level Hearing:** This is held by the District Hearing Officer (DHO), who reviews your case and issues a new decision.
- **Additional Appeals:** If the DHO denies your appeal, you can request a second hearing with a Staff Hearing Officer (SHO). If denied again, you can appeal to the Ohio Industrial Commission itself.

## 4. Strengthening Your Appeal

To increase your chances of success:

- **Submit new medical evidence:** If your initial claim lacked sufficient documentation, provide updated medical records or expert opinions.
- **Hire an attorney:** An experienced workers' compensation attorney, like Thomas Marchese, can help you build a solid case, present your evidence effectively, and represent you during the hearing.

## 5. Possible Outcomes

After the hearing, the officer will issue a decision. If your appeal is approved, your benefits will begin or be reinstated. If denied, you can file another appeal or pursue your case in court.

### Key Takeaways

- You have 14 days to appeal a denied claim with the Ohio Industrial Commission.
- The appeal process includes hearings where you can present new evidence.
- **Legal representation can significantly improve your chances of a successful appeal.**

A denied claim doesn't mean you're out of options. With the right strategy and support, you can fight for the benefits you deserve.

# Gathering Essential Forms and Paperwork

Once you've filed your claim, it's important to gather and submit all necessary paperwork to ensure your case moves forward smoothly. Incomplete or missing documents can cause delays or even result in a denial of your claim. **If you've hired an attorney, they can submit this documentation for you.** Here's what you'll need:

## 1. First Report of Injury (FROI)

As mentioned, the FROI is your primary form. It's essential to confirm that your doctor or employer has submitted it to the BWC. Keep a copy for your records.

## 2. Medical Documentation

Medical records play a vital role in supporting your claim. Ensure that you gather:

- **Initial Medical Report:** This is typically filled out by the healthcare provider who treated you right after your injury.
- **Follow-up Reports:** Keep all records from any subsequent medical visits, including test results, diagnoses, and treatments.
- **Treatment Plan:** A detailed treatment plan from your doctor outlining the care you need moving forward.

## 3. Employer's Report

Your employer may need to provide additional documents or reports regarding the incident. Make sure your employer submits any required paperwork to the BWC in a timely manner.

# Common Pitfalls to Avoid When Filing

Filing a workers' comp claim can be tricky, and small mistakes can cause delays or denials. Here are common pitfalls and how to avoid them:

## 1. Not Reporting the Injury Promptly

Failing to report your injury to your employer right away can weaken your claim. **Tip:** Always report your injury immediately, no matter how minor it seems.

## 2. Delaying Medical Treatment

Delaying care may worsen your injury and hurt your claim. **Tip:** Seek medical attention as soon as possible.

## 3. Incomplete Paperwork

Inaccurate or incomplete paperwork can lead to claim rejections. **Tip:** Double-check all forms and ensure your documentation is thorough.

## 4. Missing Filing Deadlines

Missing critical deadlines can result in claim dismissal. **Tip:** Keep track of all deadlines, from reporting your injury to filing an appeal.

## 5. Not Following Medical Advice

Failing to follow prescribed treatments may cast doubt on your injury. **Tip:** Adhere to your doctor's orders and attend all follow-up appointments.

## 6. Lack of Documentation

Not documenting the incident can make proving your claim harder. **Tip:** Take photos, gather witness statements, and keep all medical records.

## 7. Handling the Claim Without Legal Help

Navigating the system alone can result in lower benefits or a denied claim. **Tip:** Consider hiring an attorney to guide you through the process.

# The Importance of Legal Assistance in the Workers' Compensation Process

- **Higher Settlements:** Workers who hire attorneys receive settlements that are, on average, 30% higher than those who handle claims on their own.
- **Denied Claims:** Approximately 70% of workers' compensation claims initially denied by insurance companies are approved upon appeal when an attorney is involved.
- **Faster Resolution:** Cases with attorney representation are typically resolved 15-20% faster, as attorneys help navigate the process efficiently and avoid delays caused by incomplete paperwork or missed deadlines.
- **Maximized Medical Benefits:** Workers with legal representation are more likely to receive full medical benefits, with studies showing that 95% of represented workers receive comprehensive medical coverage compared to those without legal help.

Attorney Thomas Marchese has years of experience helping injured workers in Ohio, navigate the workers' compensation system. By working with a trusted legal professional, you can ensure that your case is handled with care and expertise.



# Additional Resources for Workers' Compensation

## Ohio Bureau of Workers' Compensation (BWC)

The BWC is the primary agency responsible for managing workers' compensation claims in Ohio. They offer resources for filing claims, understanding your benefits, and tracking your case.

- Website: [www.bwc.ohio.gov](http://www.bwc.ohio.gov)
  - Phone: 1-800-OHIOBWC (1-800-644-6292)
  - Address: 30 W. Spring St., Columbus, OH 43215
- 

## Industrial Commission of Ohio (IC)

The OIC handles workers' compensation appeals and disputes. If your claim is denied, you can file an appeal through this agency.

- Website: [www.ic.ohio.gov](http://www.ic.ohio.gov)
- Phone: 1-800-521-2691
- Address: 30 W. Spring St., Columbus, OH 43215

## ATTORNEY THOMAS MARCHESE

For personalized legal assistance, Thomas Marchese specializes in workers' compensation cases. He can help guide you through the process, from filing your claim to handling appeals.



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