



DO'S & DONT'S CHECKLIST

Talking With A Workers' Compensation Insurance
Adjustor

In many instances, adjustor is spelled wrong - "adjuster" – so that word should be looked at carefully throughout all of these pages.

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DO'S AND DONT'S

TALKING WITH AN INSURANCE ADJUSTOR

If you have been in a work accident you will be interviewed by an adjuster from your employer's workers compensation insurance company. The adjusters are trying to minimize the amount of money that their company will pay. Follow this tip sheet to make sure you do not jeopardize your workers compensation claim during these initial interviews.

DO'S

- Write down the name, address, and phone number of the insurance adjuster and insurance company.
- Provide your full name, address, and telephone number.
- Take notes of the conversation.
- Ask the adjuster if they are aware of any witnesses and can they provide you with a copy of the employer's first accident report.
- If you have not seen a doctor, do ask for a panel of physicians.
- Tell them specifically which supervisor you notified of your accident.
- Be overly inclusive when describing your injuries to your body parts. If you omit an area, they will not pay for it. For example, neck injuries cause arm pain, but it could also be a shoulder problem. In this scenario, it is best to say neck, upper back, right shoulder and right arm. Tell the adjuster you will provide a complete, detailed, medical description of your injuries after you and your doctors have done a full assessment.
- If asked, do tell them about preexisting conditions. Aggravations of preexisting conditions are covered.
- Be very specific how the accident occurred. Repetitive or cumulative injuries are not covered. "Lifting boxes" is not covered by workers compensation, but, "as I was lifting the 3rd box, I felt a pop and continued lifting boxes" is covered. Falling down stairs for no reason is not covered by workers compensation, but "slipping on water, holding a box or tripping on debris that caused the fall down the stairs" is covered under workers compensation.

- Still fill out your own claim form for benefits even if they say they will take care of notifying the Virginia Workers Compensation Commission.
- Before the conversation, it would be a good idea to read my book. You can order it for free.

DONT'S

- Do not agree to an audio tape recording of the conversation.
- Insurance adjusters will engage you in an informal conversation in an effort to relax you and get as many details about the accident as possible. Do not discuss anything but the basic facts of the accident: a) where the accident occurred; b) date and time of the accident; c) type and cause of the accident; d) body parts injured.
- Do not agree to anything. (For example your average weekly wage or body parts injured) until your attorney has reviewed the related documents.
- **DO NOT SIGN ANYTHING** until you have an attorney review the documents.
- Don't answer family questions. You are under no obligation to give any information about your family or financial situation.

ABOUT THE AUTHOR

MICHELE S. LEWANE

A graduate of the University of Virginia and the University of Richmond, T.C. Williams School of Law, Michele Lewane has been representing injured workers against insurance companies since 1990.

In 2008, after over eighteen years in business as a partner of the law firm of Hubard, Samuels, and Lewane, P.C., Attorney Michele S. Lewane, Esquire left the firm to start a new practice, Injured Workers' Law Firm, with its focus on the legal representation of injured Virginia workers.

“The most important aspect of my job is to inform my clients of their rights and responsibilities. I handle the full range of assistance needed for my injured clients – from contested death cases to getting a small prescription paid.”

The Injured Workers' Law Firm represents clients throughout the Commonwealth of Virginia. Injured Workers' Law Firm is located at 7826 Shrader Road, Richmond, Virginia 23294, in the office complex of Shrader Commons, located next to Advanced Orthopedic Clinic.

Michele S. Lewane has published a survival guide for anyone who is hurt on the job in Virginia: *The Ultimate Guide to Workers' Compensation in Virginia: Everything You Need to Know if You Get Hurt on the Job*. This comprehensive legal book explains the laws related to worker's compensation in easy-to-understand language and guides readers through how to deal with doctors, nurse case managers, and vocational rehabilitation counselors.

Anyone in the unfortunate position of dealing with a work-related injury, or that of a loved one, could benefit from the wealth of knowledge in these pages. Additionally, it's a helpful for any Virginia employee to understand worker's compensation laws *before* an injury occurs.

Ms. Lewane has lectured and written about various areas of the law, including Workers' Compensation seminars for other lawyers. She is a member of many professional organizations, including the Virginia Trial Lawyer's Association. Ms. Lewane is a native Richmonder, with deep connections in this community. For more information, contact the Injured Workers' Law Firm at (804) 755-7755 or visit the firm's website at www.injuredworkerslawfirm.com