



# WORK INJURY GUIDE

TRUSTED LEGAL ADVICE TO PROTECT YOUR RIGHTS

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BELAL HAMIDEH LAW

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# YOU DESERVE COMPENSATION FOR YOUR WORK INJURY

If you or someone you love are hurt, get sick, or even die because of your job, workers' compensation laws should help. They can pay for your medical bills, disability payments, and so much more related to helping you recover and get healthy. Unfortunately, it doesn't always work that way.

Even if you have a strong case, workers' compensation can be confounding. With so much "legalese," odd acronyms, and phrases that are used differently than they are in other contexts, workers' compensation, it's all too easy to be confused and overwhelmed even if you know your rights. With so many forms to fill out and a lengthy process to navigate, it's natural to feel as if workers' compensation only exists to keep the benefits you deserve just out of reach.

Worse, in some workers' compensation cases, you may have to deal with another factor: your employer's insurance company. They may try to keep you from getting the compensation you deserve, fighting you for every penny. At the risk of severe understatement, they do not want to have to pay for your treatments and recovery.

Those are just some of the reasons it's important to have a lawyer with workers' compensation experience fighting for you. That way, you can take on the insurance companies, better navigate the process, and receive all of the compensation you deserve for everything you've been through.

Use this guide as a resource. Inside, you can learn more about the laws, what your rights are, and what steps you can take.

You work hard. So, you deserve to be taken care of if you're hurt, get sick, or worse due to something that happened on the job.

## COMMON WORK INJURIES

Some of the serious injuries that we've helped our clients to receive compensation for include:

**Death**  
**Catastrophic Injuries**  
**TBI/Traumatic Brain Injury**  
**Mental Illnesses: Depression, anxiety, and others related to stress.**  
**Carpal Tunnel Syndrome**  
**“Wear and Tear” Injuries (shoulders, fingers, etc.)**  
**Nerve Damage**  
**Ligament and Tendon Tears**  
**Neurological Injuries**  
**Internal/Organ Injuries**  
**Healing Loss**  
**Broken Bones/Fractures**  
**Burns**  
**Amputation Injuries (Loss of Limbs)**  
**Electrocution**  
**Asthma**  
**Sight Loss**  
**Cancer**  
**Repetitive-Use Injuries**  
**Scarring**  
**Deformation**

## CALIFORNIA'S MOST DANGEROUS JOBS

Some of the serious injuries that we've helped our clients to receive compensation for include:

**Agricultural**

**Transportation**

**Utilities**

**Construction**

**Forestry**

**Fishing**

**Hunting**

**Electricians**

**Carpenters**

**Plumbers**

The Bureau of Labor Statistics most recent report discovered workers suffer:

5,486 2022 American Fatal Work Injuries

2,596,000 Nonfatal Work Injuries and Illnesses in 2023

504 Work Fatalities in California 2022

419,000 Nonfatal Work Injuries and Illnesses in California 2022

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## WHAT YOU SHOULD DO AFTER GETTING HURT OR SICK AT WORK



To give yourself the best chance to heal and receive the workers' compensation you deserve, follow these steps if you or someone you love has been hurt or gotten sick due to something that happened at work or because of work:

**Get medical treatment immediately.**

**Report the injury or illness to your employer/supervisor without delay.**

**As quickly as you are able, file a formal workers' compensation claim. This is "Form DWC-1."**

**Maintain up-to-date records of every communication you have about your injury/illness with your employer.**

## WHAT YOU SHOULD DO AFTER GETTING HURT OR SICK AT WORK

Contact Belal Hamideh Law for a free case evaluation. We have helped many clients over the years with every aforementioned part of this process. Now, we can do the same for you and yours.

Your health and/or the health of your loved ones is what matters most. When you're dealing with the aftermath of a work injury, it's natural for legal matters to be the very last concern on your mind.

However, if you follow the steps mentioned above, you give yourself the best opportunity for a successful outcome. We can take care of all matters related to your case.

With an experienced workers' compensation attorney by your side, you can focus on what matters most:

**your health.**

## WORKERS' COMPENSATION IN CALIFORNIA SUMMARIZED



In this state, workers' compensation is governed by The California Labor Code and the California Code of Regulations, Title 8. By law, every employer in the state who has one or more employees is required to carry workers' compensation insurance. Essentially, this is a safety net, designed to take care of employees who get hurt or sick on the job.

Similar in many ways to health insurance, employers pay into a workers' compensation insurance fund. Then, when an employee is injured/sick, California's Division of Workers' Compensation (DWC) administers benefits accordingly.

## ALL EMPLOYEES ARE ELIGIBLE



In California, all “employees” are eligible, even including employees who are documented. We wrote “employees” in quotation marks because some “independent contractors” are not eligible. However, it can extend to them in the event that the injured worker was an “employee” by law. As you can see, this process is complicated, and it’s more than worth it to have an experienced attorney on your side.

### **It Does Not Matter If Your Work Injury Was Your Fault**

workers' compensation is a “no-fault” system. Even if you caused your injury or your illness, you are still eligible for workers’ compensation. That said, your employer as well as their insurance company may do everything in their power to keep you from the benefits you should receive.

## WORKERS' COMPENSATION TERMS TO KNOW

### **Applicant**

The person making the workers' compensation claim (it's you).

### **Defendant**

Your employer or its insurance company. In a dispute, this is who's going against you, trying to keep you from receiving compensation.

### **Applicant's Attorney**

The attorney that's representing you in your workers' compensation case.

### **AME "Agreed Medical Examiner"**

A doctor your attorney and the insurance company have agreed to let examine you, with the goal of resolving your claim.

### **Disability**

Any impairment, physical or mental, that limits you in your life, including your job.

### **MPN “Medical Provider Network”**

A health care provider (or group of health care providers) approved by the State of California and set up by workers' compensation to treat workers who have suffered injuries/illnesses.

### **P & S “Permanent and Stationary”**

The name for when your medical condition has reached your best possible improvement.

### **COE/AOE**

Occurring in the course of your employment or coming out of it.

### **PDR “Permanent Disability Rating”**

A rating that makes an estimate as to how much your injury hinders your ability to work your job. This is a percentage that goes up to 100.

### Third-Party

**An entity who doesn't work for your employer or any business/company/entity other than your employer who may be involved in your case.**

**workers' compensation jargon can be difficult to parse. The above are just some of the phrases you may encounter. By no means a complete list, there is other terminology that will be used later in this guide. An experienced workers' compensation lawyer can explain what all terms related to workers' compensation mean to you as well as your case.**



*"Belal Hamideh Law Firm helped me through a difficult time for not one but two auto accidents. They kept me informed and guided me through each process which enabled me to focus on my recovery."*

*Alyssa Burns*

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# **YOUR EMPLOYER CANNOT PUNISH YOU FOR FILING FOR WORKERS' COMPENSATION**

**Punishing you or firing you for  
filing for workers' compensation  
is against the law.**



Your employer cannot legally do that. Alas, all too many do so. They may retaliate against you or even just discriminate against you just for standing up for your fights. However, if they do, an experienced attorney can help in many ways.

Immediately, we will make an additional claim against your employer so that you receive more compensation. They are required, by law, to hold your job or an equivalent position for you to return to. Moreover, in the event that your injuries/sickness keep you from returning to your job or a similar one, they have to engage in a process to reasonably accommodate you if at all possible. If they don't, or, even don't as quickly as they should, we'll represent you as aggressively as possible.

# YOUR EMPLOYER CANNOT PUNISH YOU FOR FILING FOR WORKERS' COMPENSATION

## Most Employees Injured at Work Cannot File Civil Lawsuits

Workers' compensation is considered an “exclusive remedy” for employees. What that means is, if you are hurt, get sick, or are even killed through doing your job, you are not allowed to file a civil lawsuit against your employer. Instead, you can only receive workers' compensation coverage and insurance. However, there are exceptions



# YOUR EMPLOYER CANNOT PUNISH YOU FOR FILING FOR WORKERS' COMPENSATION

## Some Employees Injured at Work Can File Civil Lawsuits

Workers' compensation and civil courts are entirely different, two separate systems. That said, in certain circumstances, you can sue your employer and/or third-parties. You may even be able to do this as your workers' compensation case goes forward.

As mentioned, workers' compensation is a “no-fault” system. That alone makes it different from civil court, where the plaintiff has to prove at-fault parties were liable for their injuries. Disputes in workers' compensation are different, as they're between an injured employee who deserves benefits and your employer's insurance company who wants to limit or even refrain from paying benefits.

The “court” for workers' compensation is the WCAB or “workers' compensation Appeals Board.” Here, ALJ (“Administrative Law Judges”) and workers' compensation judges will settle disputes that may come about as a result of your case.

These tend to focus on disability ratings, decisions regarding medical treatment, the settlement at the end of your case, and the like. We understand how confusing this process can be and we're here to guide you through it, step by step.

## DEADLINES TO KNOW

### Workers Compensation Starts when

You suffer an at-work injury

You first miss work

You first see a doctor for your injury/sickness and you should have known or did know this was caused by your job.

Any one of those can be the day your claim begins. **Remember yours.**

### Inform Your Employer

You have to report your injury/sickness to your employer within 30 days.

#### File Your Formal Workers' Compensation Claim

You have to file a formal claim, which is form DWC-1, with the WCAB within one year.



You cannot miss these deadlines. If you don't, your claim could very well be denied. Then, you won't receive treatment and benefits. An experienced attorney can help you to meet all of these deadlines while assisting you through all other aspects of the workers' compensation process.

# BENEFITS YOU COULD RECEIVE

## HEALTHCARE BENEFITS

You may be eligible to receive medical care throughout your workers' compensation case and, depending on your case, afterwards as well.

## TEMPORARY TOTAL DISABILITY

For a maximum of two years/104 weeks, you could receive up to 2/3rds of your weekly income as long as you are receiving treatment and recovering.

## PERMANENT DISABILITY

You may be entitled to payments equaling 2/3rds of your weekly average if a doctor determines that you will be disabled to a certain percent and will not be able to perform some or all of the functions related to your work.

## SUPPLEMENTAL JOB DISPLACEMENT BENEFITS

Should you be disabled in such a way that makes you unable to return to your job or a new one for your employer, you can receive payment for training and/or education to work a job you are able to do.

## DEATH BENEFITS

Surviving spouses, kids, and/or dependents can receive benefits based on the passing of a person who dies due to a work-related injury or illness.

## BENEFITS YOU COULD RECIEVE

**To give yourself the best opportunity to receive the benefits you deserve, follow your doctor's orders. Do so precisely.**

Stay in touch with your medical team and communicate with them as necessary through every step of your workers' compensation case. Follow any restrictions and recommendations. Tell your doctor and your workers' compensation attorney when there are any changes, no matter how minor, to your health and condition. If all parties involved are on the same page when it comes to your health, you have the best chance of a successful outcome.



## WORKERS COMPENSATION CASES: YOUR TIMELINE

After you filed your claim, you will be able to meet with approved medical providers. They will conduct an evaluation, a diagnosis, and create a treatment plan for your specific needs.

Unfortunately, this can be delayed if your employer's workers' compensation insurer disputes any part of recommended treatments, diagnosis, and so forth.

Should you be unable to work due to your injury/sickness, you will receive an assessment about whether or not you can receive temporary disability payments. In the unfortunate event that your injury/illness leads to a long-term or even permanent disability, your temporary disability payments can become permanent disability payments. This process can also be delayed or even stopped by your workers' compensation insurer disrupting your assessment.

The length of your case will be determined mostly by the severity of your injuries and illnesses. For example, an injury such as a broken finger, could mean that your case is resolved in a shorter period of time, such as a year or even just a few months.

However, a more serious and complicated injury can take much longer. An injury that becomes permanent and stationary, one to your brain or spinal cord, can take a year or more.

A workers' compensation case ends with either a settlement or a trial in which what you receive will be based on your ability/inability to work as well as your medical needs. In this, a workers' compensation case is not dissimilar to a civil one.

The end of a case, regardless of time frame, is when you have been cleared to return to work or have been given a disability rating (up to 100% disabled) once your capacity has been found to be "permanent and stationary." Note this is true even if you return to work with limitations.

## WHEN YOU CAN FILE A CIVIL LAWSUIT FOR AN AT-WORK INJURY

You can sue a third-party (one that isn't your employer) in civil court while your workers' compensation case moves forward if a third-party is the cause of or at least partially responsible for your illness or injury. This is true whether the third party is a person or entity.

This is called a "third-party crossover" or "crossover" case. Just as with a civil case, you must prove this third party is liable for your injury just as in a civil case.

As you might imagine, your employer's workers' compensation insurance carrier will seek indemnification from the third-party to reimburse it for payments on benefits and other costs in a case such as this. These cases can become very complicated quickly, making it all the more important to have a workers' compensation attorney you can trust.

### THIRD-PARTY CROSSOVER CASE EXAMPLES

**You're driving for your job and a third-party vehicle is involved in an accident in which you're injured.**

**A defective product causes your work injury.**

**Many sub-contractors work at a worksite with many employers (such as a construction site) and one of them causes your injury.**

**A third-party's property is in an unsafe condition which leads to your injury.**

**These are just some of the examples.  
There are many others.**

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# **DAMAGES YOU CAN RECEIVE IN THIRD-PARTY CROSSOVER CASES**

**Economic Damages**

**Costs of Medical Bills**

**Lost Earnings**

**Lost Earnings Capacity**

**Medical Insurance Co-Pays**

**Out of Pocket Expenses Related to Your Injury**

**Property Damage**

**Vehicle Damage/Loss of Vehicle Use**

**Retraining**

**Lost Tuition**

**Lost opportunities/expenses you've accrued due to the injury.**

# DAMAGES YOU CAN RECEIVE IN THIRD-PARTY CROSSOVER CASES

## Non-Economic Damages

Pain and suffering

Loss of enjoyment of life

Emotional distress

Loss of consortium (for the victim's spouse)

Wrongful Death

Any other non-economic loss that you've had to deal with due to the injury

Those are some of the damages you could be eligible for due to a crossover case. To win a crossover case, it's necessary to have experience with both the workers' compensation and the civil court system as well as the resources to stand up to the most enormous insurance companies.

## WHEN YOU CAN SUE YOUR EMPLOYER DIRECTLY

While workers' compensation is usually an employee's exclusive remedy, there are certain circumstances in which you can file a lawsuit in civil court against your employer. Should any of these be applicable to your case, it's necessary to have an attorney on your side who can conduct an extensive investigation to benefit your case.

**Your employer does not have workers' compensation insurance.**

**Your employer fraudulently attempted to conceal your injury and/or what caused it.**

**Your employer assaults you.**

**Another employer assaults you and your employer ratifies their conduct.**

**You work for your employer outside of your typical work duties (called "dual capacity.")**

**Those are some of the circumstances which could necessitate suing your employer directly.**

**Serious and Willful Misconduct**

## WHEN YOU CAN SUE YOUR EMPLOYER DIRECTLY

Some employers, unfortunately, commit what OSHA classifies as “serious and willful” violations. This includes egregious violations of the safety of employees, blatantly disregarding regulations, laws, and even customs of the employer’s industry.

When an employer engages in this behavior and it leads to serious injuries, they should suffer severe penalties.

In this state, Cal-OSHA (the “Occupational Safety and Health Administration) is in charge of workplace safety and compliance. After a serious injury, sickness, or death has been reported, this agency conducts an investigation. Their team analyzes the evidence, interviews those involved, and ultimately reports their findings.

Yes, this can lead to citations and more for your employer. But, never give an interview without your lawyer present, no matter what.

Belal Hamideh Law is grateful for OSHA, what they do and their reports. However, while we may use their analysis in our case, we always conduct our own investigations, interviews, and so forth. We’ve found that’s the best way to represent our clients successfully.



## HOW THE OTHER SIDE WILL TRY TO HARM YOUR CASE

**Unfortunately, your employer and their workers' compensation insurance carrier may very well try to do everything they can to keep you from receiving what you deserve. It's possible that you will have to fight for what's rightfully yours.**

**Some workers have tried to defraud workers' compensation. This has caused many insurance companies as well as employers to see every injured worker as a potential criminal. As such, they view any injury or sickness and even death skeptically, making it as challenging as possible for you to receive what you should.**

## HOW THE OTHER SIDE WILL TRY TO HARM YOUR CASE

All too often, after a worker files their workers' compensation claim, the other side goes through an exhaustive list of denials, defenses, arguments, and more, all in an effort to minimize and even deny your claim. The more aware you are of what they may try to do, the less likely it is that these tactics will work. They could try to:

**Intentionally miss deadlines, hoping the statute of limitations will run out.**

**Claim you committed fraud.**

**Say that your injury/sickness didn't happen as a result of your job.**

**Say that you filled out forms improperly when you didn't.**

**Argue that you aren't an employee, you're an independent contractor.**

**Argue that you're exaggerating your injury/illness.**

**Argue you should be able to go to work sooner than you are able.**

**Delay or deny your disability benefits, medical treatment, access to care, and more.**

**Follow you with private investigators, in hopes that you'll do something that weakens your case. (This happens much more than most people realize.)**

## YOUR WORKERS' COMPENSATION CASE'S ENDING

Either after you have recovered or you become permanent and stationary, your case will end in either a:

### SETTLEMENT

You'll receive a lump sum payment as a negotiation outcome.

### TRIAL

Both sides present evidence at a hearing and, ultimately, the outcome is determined by a judge.

The amount of your lump sum payment is directly related to the severity of your injury/sickness, as well as your ability/inability to work (and to what extent) as well as any future medical needs you may have as a result of what you've been through.

Every case is different. Having experienced workers' compensation attorneys as well as occupational experts and a medical team on your side can be greatly beneficial.

## WHAT TO REMEMBER

**California's workers' compensation system really can provide substantial benefits.**

**These cases can be complicated. It's important to have an attorney by your side.**

**That's especially true if your employer retaliates against you, if your employer can and should be sued directly, or if a third-party was involved.**

**An experienced workers' compensation attorney can help you to navigate the system better, blunting any attacks the other side may have. By working with a professional, you can receive the benefits you should have and move forward to a better future.**



## WHAT TO REMEMBER

**Belal Hamideh has helped workers across California to receive everything that they should. We work on a contingency basis. That means you don't have to pay unless we win. We win 99% of the time, helping workers to stand up for their rights.**

**Report any injury, sickness, or death of a loved one to an employer/supervisor without delay.**

**Get medical attention immediately for any injury, no matter how minor.**

**Contact an experienced workers' compensation attorney with a proven track record.**

**File your DWC-1 within a year of your injury/sickness.**

**Attend every medical appointment.**

**Communicate with your lawyer as well as your medical team.**

**The other side won't just give you your benefits. Your attorney will fight for them.**

**Be patient. Your attorney can handle your case while you focus on your healing.**

**A false or fraudulent workers' compensation claim is a felony. Anyone doing so is subject to five years in prison or a fine of up to \$50,000 or double the value for the fraud, whichever is greater, or by both a fine and imprisonment.**

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## ABOUT BELAL HAMIDEH



Belal Hamideh has successfully resolved hundreds of personal injury and workers' compensation cases, achieving a 99% success rate. Through his unwavering commitment and extensive experience, he has recovered millions of dollars for his clients.

A proud graduate of the University of California, Los Angeles (UCLA), Mr. Hamideh earned Dean's List Distinction during his time there. He furthered his legal education at Pepperdine School of Law, graduating in the top third of his class.

## ABOUT BELAL HAMIDEH

The American Institute of Personal Injury Attorneys (AIOPIA) has honored Mr. Hamideh as one of the 10 Best Personal Injury Attorneys for Client Satisfaction, a recognition of his exceptional dedication to those he represents. While attending Pepperdine, he gained valuable insight into the judicial process by working with Federal and State Judges. Since launching his legal career, Mr. Hamideh has remained devoted to personal injury law.

Committed to securing fair outcomes for his clients, Mr. Hamideh ensures that his office delivers outstanding service at every step of the process. Supported by a skilled and approachable legal team, he works diligently to provide comprehensive assistance to those who seek his help.



**Super Lawyers**  
RISING STARS



Cases handled by Mr. Hamideh operate on a contingency fee basis. Clients are not charged any fees unless he secures a favorable outcome. The cost to retain him remains consistent, regardless of when you seek his representation. Hiring Mr. Hamideh early ensures your case is expertly managed from the outset through its resolution.

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## ABOUT BELAL HAMIDEH

Mr. Hamideh accepts cases throughout California, treating each one with the same level of commitment, no matter its size. He is known for his responsiveness, personally returning client calls to provide attentive support and clear communication.

Recognized as a member of The National Trial Lawyers: Top 40 Under 40, Mr. Hamideh is part of a select group of attorneys distinguished for their leadership, influence, and outstanding legal abilities. Membership in this organization reflects his exceptional reputation and dedication to his craft.



**Belal Hamideh offers free consultations to those seeking guidance on personal injury or workers' compensation matters.**

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