

What You Should Know About Your Workers Compensation Rights



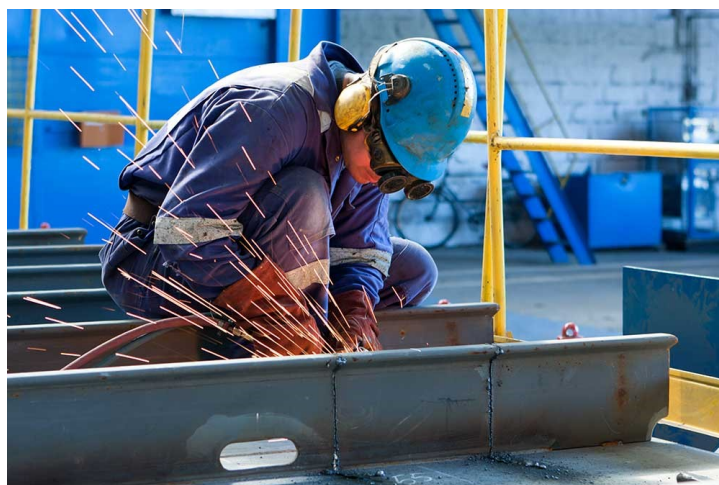
REGARDING OCCUPATIONAL DISEASES, INCLUDING EXPOSURE TO
ASBESTOS AND OTHER TOXIC SUBSTANCES

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The Ohio Workers Compensation law is complex. So is the way it provides benefits to injured workers. In fact, new laws and court decisions — not to mention dramatic media reports about those changes — make it more confusing than ever to understand, obtain, and even keep Workers Compensation benefits.

Kelley Ferraro, LLC Workers Compensation lawyers work to cut government red tape to help you — the men and women who have been injured on the job — to get fair and honest compensation.



We strive to help you get back some of the money, which was paid into the Workers Compensation system on your behalf in case of workplace injury or disease.

This brochure will assist you to get answers to your specific questions about your own circumstances and rights

◆ **What Should I Know About Workers Compensation?**

You should know everything you can to help get your rightful award

◆ **Benefits for Work-Related Injuries? What Should I Know About Benefits for Work-Related Occupational Diseases?**

A worker who has been hurt on the job or exposed to asbestos and other toxic substances cannot afford to be unaware of his or her rights and obligations under Ohio Workers Compensation laws.

◆ **How Have Ohio's Workers Compensation Laws Changed?**

During the last several years, there have been countless media reports about changes surrounding the system — some only proposed and some fewer enacted. The bottom line: the requirements put on the injured worker to prove an injury can still be a burden. These same hardships weigh down men and women who suffer from a workplace-caused occupational disease. Therefore, retaining the services of an attorney competent in Workers Compensation and Occupational Diseases can help you to protect your worker's rights. Employers have legal counsel in Workers Compensation case, and you should have the same legal protection as they do.

◆ How Does the Workers Compensation Law Actually Work?

The law provides three stages of approval or challenge for your claim:

1. By the Bureau of Workers Compensation or Self-insured Employer
2. By Industrial Commission district, staff, and full Commission hearings and decisions.
3. By appeal to your local county Common Pleas Court.

The law still makes it possible to settle a claim in a lump-sum payment, thus bringing a conclusion to your claim at any point in the process

The law still protects employees who file claims for employer termination. It punishes employers for violations of specific safety requirements.

Most significantly, the Ohio Supreme Court has removed the automatic barrier to benefits that retirement formerly presented. Now, workers who get sick years after injurious exposures to asbestos or other toxic substances may still qualify for Permanent Total Disability Benefits, even though they did not get sick until after retirement. Despite all the changes, prompt action on your part to preserve your rights is still critical.



◆ What Can A Person Do When Latent Diseases from Workplace Exposure to Asbestos or Other Toxic Substances Threaten His or Her Workplace Health, Retirement Health, or Workers Compensation Benefits?

Getting advice from lawyers familiar with Workers Compensation law and knowledgeable about asbestos and other toxic substances is indispensable. Ignorance of the law is not a defense, and failure to know the law can ultimately cost you your benefits

◆ What Should I do if I Believe I Was Exposed to Asbestos or Other Toxic Substances at Work?

1. Make a summary of your employment history and the types of any asbestos-containing products or other toxic products
2. Seek medical treatment as soon as you realize your injury or disabling disease.
3. If you are still working and the injury or exposure occurred at your current employer's workplace, notify your employer
4. If you are not working, are retired, or your disease is from a prior job, promptly inform your physician and health care provider. Make sure they document everything in writing.
5. Remember: We cannot stress strongly enough that you should document everything in writing dates, times, doctors, medicines, appointments, and any witnesses to your exposure or treatment.

◆ **What Benefits Are Available For An Asbestos-Related Occupational Disease?**

1. Compensation for Current Wage Loss
 2. Medical Benefits
 3. Retirement Benefits
 4. Death Benefits
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◆ **What does PERMANENT TOTAL DISABILITY (PTD) Mean, Particularly if I Am Already Retired?**

Under Ohio Workers Compensation law, a Permanent Total Disability (often called PTD) renders the worker unfit or incapable of continuing to work. The Bureau of Workers Compensation and the Ohio Industrial Commission are required to consider the worker's age, education, and employment record, as well as physical, psychological, and sociological factors.

In other words, if the worker is too old, too sick, or by training and background unable to return to work, then the disease has rendered him or her Permanently Totally Disabled. Retirees have special considerations for PTD.

For such retirees, Kelley Ferraro, LLC will argue that any significant impairment of health during retirement arising from asbestos exposure during the worker's employment makes him or her a PTD worker. This situation should entitle the retiree to at least minimum benefits for the remainder of his or her life.

A doctor must relate a medical condition to employment. Therefore, it is crucial that if you believe you are sick, you must seek medical attention for difficulties caused by asbestos exposure. This includes shortness of breath or chest and/or lung pains

◆ **What Are the Limitations to My Benefits?**

By law, Workers Compensation benefits for Permanent Total Disability must continue until the worker's death. Any dependents, including a spouse, may submit a claim for their own lifetime benefits if they can show that the worker's death is related to the occupational disease that caused the Permanent Total Disability.

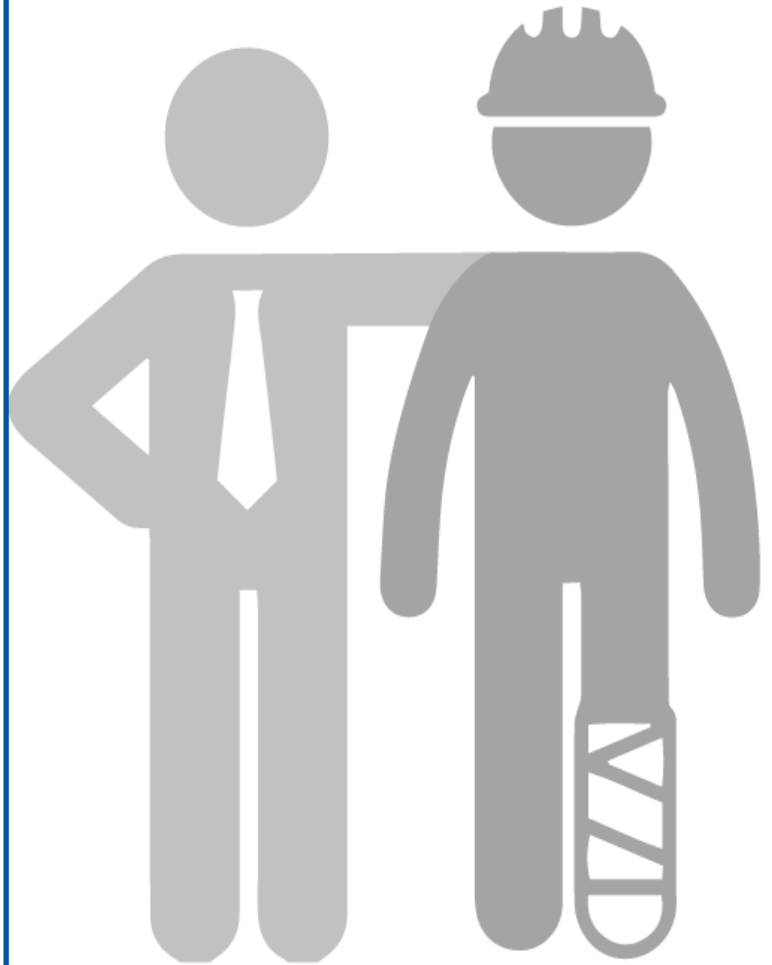


When Do I Need a Lawyer?

Ohio law allows workers to bring their own claims for Workers Compensation. But Ohio law also protects your right to have a lawyer to help ensure that you are getting everything that you are entitled to receive.

And in cases involving Permanent Total Disability and exposure to asbestos or other toxic substances, you should seriously consider the assistance of counsel, because you could be faced with the following situations:

- a) Your employer could deny responsibility for your exposure. The employer might even deny that you worked at the company when such exposure was possible.
- b) Your employer could offer you a lump-sum settlement without your knowing how to evaluate that amount or whether you are giving up valuable rights.
- c) Your doctor may not know about such work related diseases or specialists who can review your medical condition and your history of exposure



◆ What is the background of Kelley Ferraro, LLC with Workers Compensation Cases?

The experienced lawyers of Kelley Ferraro, LLC have fought hard for thousands of workers exposed to asbestos and other work-related toxic substances. We aggressively and actively pursue our clients' interests at governmental agencies and, if necessary, in courtroom trials and to the appellate courts.

◆ How Does Kelley Ferraro, LLC Manage its Workers Compensation Cases?

Kelley Ferraro, LLC believes every client and case is distinctive. We strive to provide as much time and understanding to each case and to offer as much personal counseling and attention as needed.

◆ How Does Kelley Ferraro, LLC Charge?

We are compensated on a contingent fee basis. We do NOT charge by the hour. Our fee is a percentage of what we obtain for you. You can be confident that we will do our best to ensure that you receive all the benefits you deserve. We strive to achieve justice for you and are always available to answer your questions



John Martin Murphy & James L. Ferraro

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