

should be noted that payment of benefits or medical bills is **not a binding** legal admission of liability. The Airlines can totally dispute any case at any time regardless of if benefits have been paid or not. Likewise, benefit rates are often calculated incorrectly resulting in significant underpayments. Accordingly, it is recommended that you consult with us even if your claim is currently accepted by the Airline.

LIGHT DUTY

If the injured worker is released to return to work with restrictions, they must notify the Airline and be available to perform light duty if it is available. If the Airline is unable or unwilling to provide light duty, it may be obligated to pay lost time (TTD) benefits.

PERMANENT DISABILITY

When an injured worker has completed medical treatment, he or she may then be entitled to an award or settlement for the residual disability that remains following their injury. The changes made to the Illinois Workers' Compensation Act in May of 2011 changed the way permanent disability is determined in all claims for injuries which have been incurred after September 1, 2011. The use of the AMA listing of impairments is one relevant factor in determining an amount of disability as well as other new standards, making comparing what friends or co-workers may have received in the past no longer a valid benchmark. Accordingly, you should not discuss settlement of your case with your employer or insurance company without first consulting with us first.

THIRD PARTY CLAIMS

If the injury is caused by the negligence of a person or persons other than another employee of the Airline, the injured worker may have a civil claim against this party in addition to their Workers' Compensation Claim. Please contact us to discuss this type of additional claim.

SOCIAL SECURITY DISABILITY CLAIMS

An injured worker who is disabled from returning to work can also file for Social Security Disability Benefits. The rules governing Social Security as it pertains to work related injuries have changed substantially over the last several years. In certain instances, the Social Security Administration can now make a claim against a portion

of a worker's compensation settlement for future medical bills. If an injured worker has a work-related injury, it is recommended that he/she do not file for Social Security Disability Benefits until first conferring with us first

ABOUT THE FIRM

Attorney Gregory J. Saunders has 40+ years of experience in handling claims for Airline Industry employees. He personally has handled thousands of cases for all types of workers.

Saunders Law LLC is PROUD to be a Union law firm. Mr. Saunders is a long-time member of LIUNA Local #773.

Saunders Law LLC does not advertise. Most cases that come to him are referred to him by the multitude of former satisfied clients as well as union officials who are familiar with the high quality of aggressive representation he has provided for decades. Mr. Saunders handles each Airline case personally and thus gives each client the benefit of his expertise and experience.

Mr. Saunders provides all his clients with his personal cell phone number and prides himself on the fact that all of his clients can reach him **whenever** they need to.

IF YOU ARE INJURED, CALL US FIRST TO CONSULT **WITHOUT** OBLIGATION BEFORE GIVING ANY STATEMENTS

Saunders Law LLC
181 West Madison Street, Suite #4700
Chicago, IL 60602

Office 312-236-3735
Fax 312-236-3784

Mr. Saunders Personal Cell 312-961-5220
Mr. Saunders Email gsaunders@slawllc.com

Firm Website slawllc.com

Disclaimer: The information contained therein does not constitute legal advice nor create an attorney-client relationship. You should not act or rely upon this information without seeking actual professional counsel.

KNOWLEDGE IS POWER

Airline Employee's Guide to The Illinois Workers Compensation Act

MEMBER OF



Saunders Law LLC

Workers Compensation and Personal Injury Attorneys
181 W. MADISON STREET, SUITE # 4700
CHICAGO, ILLINOIS 60602

No Fee Unless There is a Recovery

DIRECT CELL 312.961.5220
Office 312.236.3735 Fax 312.236.3784
Email: gsaunders@slawllc.com
Website slawllc.com



THE AIRLINE EMPLOYEE'S GUIDE TO THE ILLINOIS WORKER'S COMPENSATION ACT

PREFACE

This Guide is designed to be a resource to advise and educate Airline employees of the rights and benefits to which they are entitled in the event they sustain a work-related injury. While this Guide is not a substitute for the advice of a competent attorney, it attempts to give Airline employees a brief explanation of their legal rights as well as illustrate potential pitfalls that can arise that may allow the Airlines and their insurance representatives to contest claims and deny benefits. Please note that all information contained in this Guide is valid as of the date of its printing. Please contact us **immediately** in the event you sustain an injury at work so that we may advise you on how to protect your rights based on the most current Illinois law.

JURISDICTION

The Illinois Workers' Compensation Commission has jurisdiction for all claims resulting from injuries in which:

- The injury occurs within the State of Illinois or
- The Employee's contract for hire was entered into within the State of Illinois or
- The Employer's principal place of business is within the borders of the State of Illinois.

Airline employees who work in Chicago would have jurisdiction under the Illinois Workers Compensation Act because of them being hired/based here. Workers that were hired in Illinois but later were transferred can also retain Illinois jurisdiction for injuries sustained at other domiciles. It is possible for some claims to have jurisdiction in more than one state. The law involving issues of jurisdiction is constantly changing. Please call us to discuss the details of your situation.

COMPENSABLE CLAIMS

Not all injuries which occur within the workplace are compensable. **Compensable** refers to a type of injury which entitles an injured worker to payment of benefits under the Workers' Compensation Act. For an injury to be **compensable**, it must arise from a risk causally related to the workers' employment. In most instances this means that

the injury must be the result of a specific exertional activity (e.g. lifting, pushing, pulling) or a sudden unexpected event caused by an occupation hazard (e.g. slip on liquid or trip). Injuries which occur because of nothing more than everyday movements of the body may be determined to be **non-compensable** and will be **denied** by the Airline.

Example I

- Mechanic drops work order on the floor and feels pain in back bending over to pick it up. This claim may be held non-compensable and denied by the Airline.*
- Mechanic feels pain in back lifting toolbox off the ground. This claim may be held to be compensable and accepted by the Airline.*

Example II

- Flight Attendant feels pain in knee getting up from jump seat. This claim may be held non-compensable and denied by the Airlines.*
- Flight Attendant is knocked down by turbulence getting out of jump seat and feels pain in knee. This claim may be held compensable and accepted by the Airline.*

Example III

- Fleet Service Clerk misjudges stairs and falls and breaks his arm. This claim may be determined to be non-compensable and denied by the Airline.*
- Fleet Service Clerk slips on black ice on the stairs and falls and breaks his arm. This case may be held compensable and accepted by the Airlines.*

The case law pertaining to **repetitive** injuries and injuries sustained while **traveling** is complicated and constantly changing. We have numerous years of experience in handling these specific issues. Please call us as soon as possible after your injury to discuss your situation so that we can best advise you on how to protect your rights.

ACCIDENT REPORTS

The Illinois Workers' Compensation Act requires that an injured employee notify the employer of the injury within 45

days of the date of the accident. From a practical standpoint most injuries that are reported more than a day or two after they occur may possibly be contested and denied by the Airline. The basis of this denial will not be on the grounds of violation of the 45-day notice requirement but rather on credibility. Accordingly, it is recommended that all injured workers report even minor injuries immediately in writing to the appropriate representatives of the Airline. When reporting an injury, it is important to include details of any exertional activities or hazards which may have caused the injury.

RECORDED TELEPHONE STATEMENTS

In almost all instances shortly following a reported injury, an injured worker will receive a telephone call from an adjuster from the Airline's insurance administrator. The adjuster will request the injured workers permission to take a recorded telephone statement. The Illinois Workers' Compensation Act does **not** afford an employer the automatic right to take an injured worker's recorded statement. Such statements can only be obtained **voluntarily**. Contrary to what the adjuster may say, the sole purpose of the recorded telephone statement is to attempt to discover a basis to **DENY** the claim. Since the statement can only be obtained voluntarily and since its only potential value is to the Airline for the potential denial of the injured worker's claim the rule here is simple: **UNDER NO CIRCUMSTANCES EVER GIVE A RECORDED TELEPHONE STATEMENT WITHOUT FIRST CONSULTING US FIRST**

MEDICAL TREATMENT

An injured worker can seek medical treatment from two (2) physicians of their own choosing or their chain of referrals, and the employer must pay 100% of the medical bills. Contrary to what they are often told injured workers do **NOT** have to treat with Airline or Insurance Company Physicians.

LOST TIME BENEFITS

When an injured worker is disabled from work, they are entitled to receive tax free benefits equal to 2/3 of their average weekly salary. The amount of the weekly check is based on the average of the 52-week period prior to the accident. The benefits are to commence on the 4th day of the lost time and if the worker is off for a total of 14 days or more, the Airline must pay the 3-day waiting period. It