



# LEGAL-EASE



Translating your case into your terms

A newsletter from Marc J. Atas: (410)752-4878/1-800-749-4878

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## Repositioning alleviates legal discomfort

Obstacles in life come in many different forms. From finalizing end-of-life bequests in a will to picking up the pieces after a devastating auto accident, Mr. Atas stands prepared to confront these issues head-on as soon as you signal for help.

Supporting clients in all types of uncomfortable legal positions, this attorney represents cases ranging from workers compensation claims to DUI charges with competence and ease.

End the discomfort from any lingering legal problems by contacting an attorney who has helped others in your situation for over 27 years.

## Insurance Companies: friend or foe?

Workers' compensation law changed in the '90's and now provides clear guidelines and procedures for injured worker cases. The changes have meant several important differences in the way these cases are settled.



The final installment of this two-part series on the secrets insurance companies withhold from injured workers focuses on these changes as well as the hush-hush quirks of the system.

## (8) You are entitled to a permanent injury award at the end of your case.

Experiencing an ongoing problem after you've completed treatment for your work-related injury? If so, you are entitled to a permanent injury award. Similar to a settlement in a personal injury claim, your award will either be a lump sum settlement or a weekly amount paid over time.



The award will also be higher if you cannot go back to your old job or are making less money than you were before the accident. Mr. Atas will help you maximize the award.

## (9) Ten commissioners work at the workers compensation commission; some are more sympathetic than others.

Each commissioner from the workers' compensation commission is appointed by the governor and comes from a different background. Some commissioners formerly represented claimants or unions, while others have worked for insurance companies. Familiar with each commissioner, Mr. Atas will know how to present your case so that the commissioner finds in your favor.

## (10) You cannot be fired for filing a workers compensation claim.

A \$1,000 fine and year in jail serve as weighty reminders that it is a criminal offense to fire an employee for filing a claim. If you can prove you were fired solely for filing, your employer will face these criminal charges. Your employer only reserves the right to replace you if your position is an essential part of the organization's functioning. The commission can provide vocational rehabilitation services in the event of your replacement.

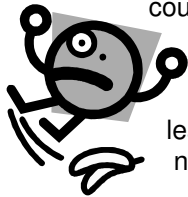
## (11) You are not directly suing your employer when you file a claim.

Every employer in Maryland is required to have workers compensation insurance to protect its employees. The insurance policy covers all costs your case brings against your employer and no claim is actually filed against your employer, although it is notified that a claim has been filed. Your employer has the insurance as a precautionary measure and is prepared to hand all charges and bills related to your case over to the insurer.

## (12) You cannot sue your employer unless you can prove you have been intentionally harmed.

The law stands as it is now because of a compromise arranged in the early '90's between employers and employees. The legal system

previously allowed employees to sue employers if the employer's negligence caused or contributed to the accident; however, the process took a very long time and left the injured worker without benefits until the end of the lengthy settlement. Employers



countered claims by proving that the employee had been at least partially negligent.

To remedy the problem, the government set up the workers compensation commission, which awards injured employees regardless of fault but does not permit civil suits unless proof of extreme circumstances exists.

**(13) You are entitled to two-thirds of your pay for every day of work you miss.**

You will receive temporary total benefits, or two-thirds of your average weekly wage, for every missed day from work. The only exception is that you will not be paid for the first three missed days unless your leave of absence was longer than two weeks. These temporary benefits are paid to you until your doctor determines you have reached your maximum recovery and that any remaining conditions are permanent. Mr. Atas will then argue for a permanent injury award to compensate for lifelong damages resulting from the accident.

**Permanent injury award, demystified**

Permanent injury awards are based on a percentage scale that breaks

disabilities down by body part and attributes each part a certain number of weeks. The weeks translate into the number of weeks you will be paid for your injury, for example a back is given 500 weeks. The commission then determines what percentage of each body part has been damaged and pays you accordingly. If the commission awards 10 percent disability for your back, you will be paid for 50 weeks, as it is 10 percent of the total 500 weeks allotted to the back.

Once the commission has determined how many weeks you will be paid, it will figure how many weeks have passed since you returned to work. If you returned to work forty weeks ago, for instance, you will receive one large lump sum for the forty weeks



and will be sent the final ten weeks in the following ten weeks.

The weekly amount paid as part of your permanency award falls into one of four payment brackets. The first bracket includes awards of 74 weeks (14 percent) or less and is paid at the lowest rate per week. The second bracket is any award from 75 weeks to 249 weeks, is typically between 15 and 49 percent and is paid at the second bracket rate. Awards of 50 percent and higher are paid

at the third-bracket rate and permanent total benefits, the fourth bracket, are paid also at a high rate, for the rest of your life.

**Attentive attorney rises to challenge**

Hygienists, secretaries, nurses and assistants. Working to ease the load of the lawyers, doctors and professionals they work for, these aids often take over much of the work that should be attributed to their superiors.

Mr. Atas recognizes that however helpful assistants and paralegals may be, clients want to deal directly with an attorney when such important matters are at stake. Taking to heart this rather lofty goal, Mr. Atas keeps in close contact with all of his clients by frequently arranging meetings and always being accessible for walk-ins or impromptu calls.



Determined to help his clients with whatever gets in their way, he carries clients step-by-step through the entire process.

When your case is too important to be passed along to anyone but the attorney you're hiring, trust that Mr. Atas—and no one else—will get the job done.

Ideas or questions you'd like to see addressed in a future issue of Legal-ease? Call (410)752-4878 or e-mail [lharger@umd.edu](mailto:lharger@umd.edu) to have your voice heard!

Note: The information you obtain through this newsletter is not, nor is it intended to be legal advice. Please consult an attorney for individual advice regarding your situation.