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**PROTECT YOUR RIGHTS – WORKERS’ COMPENSATION & CRUISER WRECKS**

Law enforcement officers are at an enhanced risk of injury. Responding to emergency calls, apprehending criminals, cruiser and foot pursuits, traffic stops, running radar, working wrecks, etc., all subject officers to risk. This memo is to ensure officers do not get hurt twice. Do not risk the loss of your rights due to lack of knowledge.

* Immediately report any on the job injury to your supervisor.
* Do not give a recorded or written statement to anyone else (including Corvel) before talking with your attorney. A statement is not required before you consult with counsel. A truthful statement can take many forms and it is critical that you know what facts are important before giving a statement (if one is to be given).
* Many believe that if the employer or insurer accepts a claim and pays benefits that they are covered by the Virginia Workers’ Compensation Act. **WRONG!** You must file a claim with the Virginia Workers’ Compensation Commission (not just the employer) within two (2) years from the date of accident to protect your rights.
* A claim should be in writing and include the injured worker’s name, address and phone number, the employer’s information as above, date of injury or diagnosis of occupational disease, body parts injured, and signature of the injured worker.
* If you have received an Award, but that Award has ended, and you want additional weekly benefits, you must file a claim within the applicable deadline with the Commission even if the employer has agreed to pay the benefits.
* If you do not file a proper claim within the deadlines, you can lose all rights even if the employer or insurer has agreed to pay benefits to you.
* If you are claiming an occupational disease, you must file a claim with the Commission within two years from when the doctor tells you that you have a work-related disease. Other time limits may also apply.
* **INJURY BY ACCIDENT** **– I**n order to be covered, an “accident” must: 1. Occur at work or during a work-related function. 2. Be caused by a specific work activity. 3. Happen suddenly at a specific time. (Injuries occurring gradually or from repetitive trauma are not covered as accidents.)
* **OCCUPATIONAL DISEASE -** An occupational disease must be caused by the work and not be a disease of the back, neck or spinal column. Presumptions apply.
* **CRUISER WRECKS –** If involved in a cruiser wreck or other motor vehicle accident on or off the job (friends, family), additional laws apply. Call your lawyer.

If you have questions or would like to talk with us at Burgess & Perigard, PLLC, please contact us at above location. Jack Burgess is available 24/7 by cell at (703) 609-2033.