

VIRGINIA CONSTRUCTION ACCIDENT GUIDE

*Helping You Recover After
a Serious Work Injury*

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Were you injured on a construction site in Virginia? After a construction accident, you might be scared, in immense physical pain, and unsure of your legal options. A Virginia construction accident lawyer can help you fight for the compensation you deserve.

Construction sites have inherent dangers for workers. In fact, construction is one of the most dangerous industries for workers in the U.S. Unfortunately, accidents do happen, and these accidents can have serious consequences for workers.

If you were injured as a result of unsafe conditions or negligence, you may be entitled to compensation for your injuries.

A Virginia construction accident lawyer can help you manage the entire legal process. Our legal team will investigate your accident, determine what caused it, and help you file workers' compensation claims and, in some cases, lawsuits to help you receive the maximum compensation for your injuries.

CALL NOW FOR A FREE CASE REVIEW AND TO LEARN MORE ABOUT YOUR LEGAL OPTIONS.

The Cause of Your Accident

Construction is one of the most dangerous industries to work in. In fact, according to OSHA, more than 20% of all work-related fatalities occur on construction sites. These accidents have many causes. But commonly, accidents occur in four categories, which the OSHA calls the Fatal Four. They include:

- » **Falls** – Falls often occur due to improper safety railings.
- » **Being struck by an object or equipment** – Cranes, trucks and machinery cause a high percentage of accidents.

- » **Electrocution** – Unsafe wiring and water conditions are the leading cause of construction site electrocutions.
- » **Being pinned, caught, or crushed by collapsing structure or equipment** – Rolling pipes, truck wheels, and heavy machinery often cause pinning injuries.

No matter the cause of your injury, if you were injured on a construction site, you may be entitled to workers' compensation benefits. Hiring a qualified attorney can help you recover the maximum benefits as quickly as possible.

VIRGINIA WORKERS' COMPENSATION BENEFITS

The majority of workplace-related injury cases in Virginia are covered by workers' compensation laws. These laws provide protections for workers and construction companies, helping injured workers receive benefits more quickly without having to pursue drawn-out court cases.



These laws do, though, limit a worker's ability to sue his employer. In fact, in most cases, you cannot pursue a lawsuit if you were injured on the job in Virginia. To be eligible for a Virginia workers' compensation claim, your injury must meet the following criteria:

1. Occurred at work or a work-related activity
2. Was caused by a work activity or task
3. Occurred spontaneously at a specific time, e.g. was not caused by repetition over many years

Fortunately, Virginia's workers' compensation laws provide a wide range of benefits for workers. These benefits can help pay for lost wages, medical bills, and provide long-term assistance for serious injuries. If you believe you have a

workers' compensation claim, it's important that you act fast. To file a claim, you must:

- » Provide a written notice to your employer within 30 days of the injury
- » File a claim within two years of a workplace accident

Our team can help you protect your rights and file a claim to receive the maximum benefits available to you.

TYPES OF WORKERS' COMPENSATION BENEFITS AVAILABLE

A construction accident can bring uncertainty and new financial challenges to your life. You may struggle to pay for medical bills or rehabilitation costs, and lost wages can make covering your basic living expenses difficult.

You'll also likely be experiencing pain from your injuries, and may suffer long-term consequences like loss of hearing, vision, or long-term disability or disfigurement. Workers can file workers' comp claims in Virginia for:

- » **Wage Loss Replacement** – Full or partial compensation for wages lost due to your injury. Funds are available for the time you must spend away from work.
- » **Lifetime Medical Benefits** – Medical expenses related to your injury, including out-of-pocket medical costs, medications, and transportation expenses are covered by workers' comp.
- » **Permanent Partial Disability** – Compensation for loss of limb, loss of hearing or vision, amputation, scarring or lung disease.
- » **Permanent Total Disability** – Lifetime wage replacement for severe disfigurement, paralysis, or traumatic brain injury.

Ultimately, your attorney can help you understand the benefits that you qualify for, and aid you in the process of filing a claim. Workers' compensation claims must be filed within two years of the accident.

In most cases, you will file workers' comp to reimburse you for any costs you incur. But there are other special cases in which a lawsuit may be appropriate. For example, if the liable party wasn't your employer, but a third-party was, a lawsuit may be the best legal option for recovering compensation. Wrongful death lawsuits are also another legal option, if a loved one was killed in a work-site accident.



HIRING A LAWYER

Filing workers' comp claims can be overwhelming. That's especially true if you're recovering from serious injury. Hiring a qualified attorney can help make the process easier for you, and it will ensure you file for any and all benefits for which you qualify.

If you choose to pursue a lawsuit, your attorney manages the entire process. A qualified lawyer will help you:

- » Investigate your accident
- » Collect evidence to support your case
- » Provide a written notice to your employer
- » File a workers' compensation claim on your behalf
- » File for disability benefits (if applicable)

FREQUENTLY ASKED CONSTRUCTION ACCIDENT QUESTIONS

What Should I Do If I'm Injured in a Construction Accident?

Construction accidents in Virginia are some of the most difficult cases that any person can suffer through in Virginia. The first thing you have to do after you've been involved in a construction accident is retain an attorney with experience in this type of an injury claim. The case will depend largely on a quick and thorough investigation into what happened and who was responsible. The only way to do that is to retain an attorney quickly. Even if OSHA is investigating your case or even if the state police become involved because of a serious injury on the job, it is very important that you retain counsel quickly because there may be other parties besides your employer who are partly or fully to blame for the accident, and may be a source of far greater recovery for you than your employer who is of course entitled to the benefits of the very strict Virginia Workers' Compensation Statutes.

What Mistakes Should I Avoid?

Obviously, the most important thing to remember is that you have to get an attorney on your side after the construction accident as quickly as possible. Making the mistake to delay finding an attorney to help you with that type of case can cost the entire case because investigation immediately after the incident is the most important thing that you can do to preserve your rights. The other things that are often seen are not getting medical care quickly enough and not making a proper report of what happened in the accident to your employer and the Workers' Compensation Commission. In each of those instances, it's



always helpful to have an attorney because they're mindful of all those steps you need to take right after your Virginia construction accident.

Should I Tell My Boss About My Injury?

I'm often asked by my clients who come to see me after a Virginia construction accident, is it okay to talk to my employer about what happened in the accident? First, I should tell you that under Virginia Workers' Compensation law, it's important that you at least give the basic details almost immediately or as soon as you possibly can after a Virginia construction accident. The next thing to remember is that you should retain your own attorney as quickly as possible and preferably before you make a statement to your employer after a construction accident. There are a variety of defenses that employers can use to deny both workers' compensation benefits or any third-party benefits you make against other persons or companies that may be at fault in whole or part for this construction accident. It's always best to get yourself an attorney before you make those statements. Do it quickly so that you can respond in the time that they expect with a notice of what happened in your accident.

How Do I Pick the Right Attorney for My Case?

I will tell you that Virginia construction accidents are a very specialized type of injury case. Look for somebody who has experience in that line of work, who's handled those types of cases, and who has good ratings and good reviews from both industry organizations as well as former clients. In all of those circumstances, you're more likely to find a person with experience, stature, and understanding of the law of this field of Virginia construction accidents.

Should I Talk to the Insurance Company?

We always recommend that you not talk to the lawyer representing your employer or any insurance adjusters representing your employer after a Virginia construction accident until you've spoken and retained your own attorney. Once you have your own attorney involved, they can counsel you as to how to present what you have to say about the accident in a way that will not damage or permanently impair the value of your case. I always recommend that before talking to the other side, you get your own attorney first.

Is Workers' Comp My Only Available Compensation?

Workers' compensation in Virginia is a statute. It's a set of laws. They were set up years ago to try to help injured parties get something for their injuries knowing that the law of tort recovery is extremely difficult for employees to get any benefit from when working on a job in Virginia.

Under that statute of workers' compensation in Virginia, you're entitled to two-thirds of your average weekly wage for up to 500 weeks of disability following your work-related accident. You're also entitled to lifetime medical benefits for the injuries you had from this accident only. It does not require that you prove who was at fault in the accident. It also does not require that you provide any evidence of who else was at fault or whether you were free of fault which is often found in other types of personal injury cases. In those types of cases, Virginia Workers' Compensation is a good compromise for an employee.



Can I Sue My Employer?

One of the first things that people who've been involved in a construction accident in Virginia often ask me is whether they can file a lawsuit against the employer to recover for general damages from the accident. If you were a wage-earning employee or a wage earner of a subcontractor on a job, it is often the case that you cannot file a general tort claim and seek general damages from your employer or even a general contractor on the job. It is an

extremely complicated area of law which requires a careful legal analysis and a careful field investigation into the facts of who was responsible for this Virginia construction accident. In those cases, you must contact an attorney to guide you through the process of finding who you can pursue for a general damages case. Remember again that Virginia Workers' Compensation cases have a very limited amount that they will pay for in the way of 500 weeks of compensation at two-thirds of your average weekly wage and lifetime medical benefits only for the injury-related care that you may have to have. In all of those cases, it's very important to have legal counsel to help you in your case.

How Much is My Case Worth?

I'm often asked by clients who come to see me for an injury claim involving a construction accident in Virginia, "What kinds of benefits can I get and what's the value of my case?" My answer usually is it depends on how seriously injured you were. If you have an injury that you can recover from after six months or a year of medical treatment, you're entitled to your medical care plus a period of compensation equal to two-thirds of your average weekly wage during the time your doctor says you're disabled. Bear in mind of course, that you have to have a written statement from the doctor of that disability period.

In those cases, those have a relatively minor value. The set dollar amount of the wage loss and the medical bills is easy to determine. The harder cases are when you've been permanently disabled, maybe from a loss of use of a hand, or a finger, or an arm, or a leg. In those cases, it's far more difficult to set a value of those cases, but they do have far greater value. It's very important to find a competent accident lawyer who knows Virginia Workers' Compensation law and can maximize the benefits you can get for your case. I always encourage people to seek out an experienced workers' compensation attorney for their Virginia construction accident case for that reason.

What Compensation Can I Get?

The first thing that I usually tell my clients about what they can recover in a Virginia construction accident is whether or not this is a workers' compensation claim only or whether it might be a workers' compensation claim with a possible third-party claim that's outside the workers' compensation umbrella as it's often referred to. In the first case, workers' compensation will award you two-thirds of your average weekly wage for up to 500 weeks of compensation which is almost 10 years. It's a very limited period of time of wage loss recovery. That two-thirds of your average weekly wage is intended to give you more or less what your net take-home pay would be for that 500 weeks of compensation.

The other thing that you're entitled to recover is lifetime medical benefits. Lifetime medical benefits will go for the rest of your actual life, but they only apply to actual injury-related medical care. The last thing that you can often recover for is what's known as a "permanent partial" or "permanent total"

disability rating. In those types of cases where you've been permanently injured, you can take either from a schedule of different body parts, a set number of weeks of your compensation at average weekly wage rate, and/or you can recover possibly a lump sum settlement from the workers' compensation carrier or insurance company. In those cases, they will also cut off your rights to future medical benefits, so you want to make sure that you include in the value of that lump sum settlement both what your anticipated future medical expense is as well as your future wage loss claim.

How Long Will My Case Take?

Construction accident cases under Virginia law are usually handled by workers' compensation. In those types of cases, it can take up to a year to resolve the case fully. You're entitled to a hearing on any contested claim that may be defended by your employer whether it be because of intentional misuse of equipment on the job, drinking, using drugs on the job, or that the accident didn't arise out of the performance of your job duties at the time of the accident. In any of those cases, your hearing will probably happen within six months to a year after the accident. Shortly after that, we can probably wrap it up depending on what the extent of your ongoing medical care is.

REQUEST A FREE CASE REVIEW

After a worksite accident, your life can be turned upside down. You may be experiencing immense physical pain and recovering from significant injuries. We want to help.

Our Virginia construction accident lawyers can help you file workers' compensation claims quickly so that you can focus on your recovery. Call now for a free, no-obligation case evaluation.



ABOUT THE AUTHOR

Michael R. Strong has handled complex auto accident, trucking accident, and products liability claims for over 38 years. He has achieved many six-figure settlements and verdicts for his clients involving highway accidents, products liability claims, and medical malpractice claims.

A true litigator, Michael Strong is licensed to practice law in Virginia, Maryland, and the District of Columbia. He has been licensed to practice law since 1980. Mr. Strong earned his law degree from the University of Dayton School of Law. He handles cases involving personal injury and business litigation, including catastrophic injuries, serious accidents, business contracts, business transactions, and more. As a dedicated advocate, he is well-known for his client-focused representation. He has secured favorable results for many of his cases and is passionate about serving his clients.

Mr. Strong is the author of several articles involving personal injury recovery advice, development of sources of insurance coverage in complex accident cases, and creative solutions for compromise of medical provider and subrogation liens. He is also a Number One Best Seller on Amazon.com on Insurance Issues.

