
SAVE THIS LETTER AND REFER TO IT BEFORE CALLING
THE OFFICE, IT MAY ANSWER YOUR QUESTIONS

Thank you for the confidence you have expressed by retaining our office to represent you in connection with your Workers' Compensation case. The fact that I represent you means that I will represent you before the Workers' Compensation Appeals Board and I will:

- advise you regarding your rights
- represent you before the Workers' Compensation Appeals Board
- seek to obtain for you all benefits to which you are entitled under the Workers Compensation Laws.

Depending on your earnings (make sure we have copies of all your W2 Forms for the 12 months prior to your injury from ALL employers) and your date of injury, you will receive benefits every two weeks. This is a complicated formula and is sometimes challenged by the insurance company. Generally the disability rate for TD benefits is two-thirds (2/3) of your average weekly earnings. The following will give you an idea but your case is treated independently.

For injuries after: Your rate could be from:

01/01/2011	\$148.00 - \$986.69
01/01/2012	\$151.57 - \$1010.50
01/01/2013	\$160.00 - \$1066.72

You will receive these benefits as long as your doctor certifies that you are temporarily totally disabled (TTD) [unable to work due to a medical disability]. If your employer or the Workers' Compensation Insurance carrier do not begin paying you benefits right away, you may be entitled to State Disability Insurance (SDI) benefits provided your earnings have been credited with the Employment Development Department (EDD) and depending on certain other factors. It is recommended that you file for this benefit ASAP to protect your rights. Simply request a State Disability Insurance form from your doctor who is certifying your disability, fill out your portion of the form, and then have your doctor fill out his part. He should then mail it in for you. It usually takes a couple of weeks to get the benefits started so do not delay.

Once you are receiving Workers' Compensation benefits, you will no longer be entitled to receive State Disability. If you receive both at the same time you will have to credit EDD back from your benefits, usually at the end of the case. If Workers' Compensation (WC) benefits begin after you have been on State Disability, the WC carrier will reimburse the state on your behalf for any State Disability benefits paid to you prior. IT IS YOUR RESPONSIBILITY TO KEEP RECORDS OF ALL PAYMENTS*. In this way we can match what you deserve with what you have received. Bring these records to all conferences and meetings.

USUAL PROCEDURE FOR WORKERS' COMPENSATION CASES:

1. Thanks to Governor Schwarzenegger and The California Legislature there have been serious changes that affect your benefits STARTING IN 2004. Besides having retained a capable attorney the only other way you can help yourself is to register to vote and write to your assemblyman and senator with your complaints about the low benefits that you are receiving. If they do not hear from you they will ignore your situation. You may obtain a list of names and addresses from my office (one is attached to this letter). Remember before calling my office to complain about the small amount of money that you are receiving you must write your representative! They wrote the law that affects your case. I can only apply the laws that they have passed.

2. The defendants (insurance carrier or their attorney) will send you to one (or more) of their doctors. YOU MUST KEEP THESE APPOINTMENTS.

You must also keep ALL medical appointments set for you by my office. When you see a doctor, it is up to you to tell him/her each and every complaint you have that you feel is related to your injury. TELL THE TRUTH!

Note that my office may or may not send you to a doctor for evaluation and/or treatment. If your family doctor is treating you and is un-familiar with Workers' Compensation cases, he/she will need to be informed that he should send monthly reports to this office along with their billing statements.

3. Once a doctor determines that you are "Permanent & Stationary" (P&S) - or you have reached MAXIMUM MEDICAL IMPROVEMENT (MMI), meaning that your condition will not worsen and will PROBABLY not improve - we will be ready to RESOLVE THE LAST REMAINING ISSUES ON YOUR CASE. At this point you may be entitled to Vocational Rehabilitation. However, these benefits have been severely limited for recent injuries so you may not be entitled to the same benefits that your friends and relatives are receiving. If you do not qualify for Vocational Rehabilitation, then you may receive Permanent Disability (PD) advances against your settlement.

Please be aware that Workers' Compensation cases ordinarily last between 9 to 18 months. This, of course, is only an average, some can be resolved sooner and some take longer. TRY TO BE PATIENT. We will make sure your case is handled as rapidly as possible without sacrificing your rights.

4. Do not discuss your case with anyone unless I first give you my permission. This includes talking with your employer or their insurance carrier or writing to them on any work comp issue. If they contact you, just tell them you have an attorney, give them my name and phone number. BE CAREFUL OF INVESTIGATIONS. They are going to follow you and take pictures of you! TELL THE TRUTH and you will have nothing to worry about. You are always allowed to return to work as long as you are honest and frank about this. TELL THE TRUTH ABOUT YOUR CONDITION AND ABILITY TO WORK TO YOUR DOCTOR AT ALL TIMES!

5. Above all, LET MY STAFF KNOW IMMEDIATELY IF YOU CHANGE YOUR ADDRESS OR PHONE NUMBER! ***

6. If a doctor certifies that you will not be able to return to your former occupation you may be eligible for SOME Vocational Rehabilitation in the form of a voucher that can only be used at schools and training programs. more about this later. BUT IF YOUR EMPLOYER DOES NOT OFFER YOU A RETURN TO WORK IN A MODIFIED CAPACITY YOU MAY BE ENTITLED TO AN INCREASE IN BENEFITS UP TO 15%.

7. If your employer fails to meet with you and offer accommodation due to your inability to do your job then you may have a further civil action. In this case you should call one or more of the following TWO (2) agencies to start an investigation: EEOC ([800 669-4000](tel:8006694000)). DFEH ([800 884-1684](tel:8008841684)). Remember it is your responsibility to contact them and to keep us informed and it does not cost you anything. YOU MAY HAVE ONLY 300 DAYS TO FILE SUCH A COMPLAINT FROM THE INFRACTION.

8. IF YOU HAVE BEEN LAYED OFF OR LOST YOUR JOB AND HEALTH INSURANCE THEN YOU MAY BE ABLE TO OBTAIN HEALTH INSURANCE IN CALIFORNIA THROUGH A NEW PLAN IMPLEMENTED BY THE NEW HEALTH CARE REFORM THAT PRESIDENT OBAMA PUT INTO PLACE: The Pre-Existing Condition Insurance Plan (PCIP):

This federally-funded program is called the California Pre-Existing Condition Insurance Plan (PCIP). The PCIP offers health coverage to medically-uninsurable individuals who live in California. The program is available for individuals who have not had health coverage in the 6 months prior to applying. The California PCIP is run by the Managed Risk Medical Insurance Board (MRMIB). For more information, including eligibility, plan benefits and rates, as well as information on how to apply, visit www.pcip.gov.

FINALLY, at times, it will be necessary for me to spend long hours in court helping other workers such as yourself. I may also be involved in depositions or conferences and will be unable to take your phone calls immediately. That is why you need to read this letter over and over (remember, SAVE THIS LETTER) and/or look at my web site for answers. WWW.VIGORITA.COM. My assistants are trained to be able to answer most questions regarding the day-to-day handling of your case. I am always available TO THEM by cell phone and TO YOU BY email as well as fax. Anything they cannot take care of, they will refer to me. This is what I have been doing for over 32 years and it works! I have represented many workers such as you for that time.

** But don't expect me to contact your representative in Sacramento and complain to the Governor if you do not. Register to vote and VOTE FOR WORKERS RIGHTS ISSUES! It is up to you to fight for your rights and they respect hearing from you because you are the voting public. WRITE THEM FIRST WITH ANY AND ALL OF YOUR COMPLAINTS!

Feel free to contact me regarding any legal problem whatsoever. If it is something that I do not handle I have professional contacts in the community that I trust and can ask at no cost to you. I will be able to find someone to help you and am able to give you three references for most matters. After 30 years I know who does a good job and who does not .

I HANDLE SOCIAL SECURITY DENIALS. So if you have been off work for six (6) months and likely not going to return to work for twelve (12) you should apply for Social Security benefits. JUST CALL THE TOLL FREE # [800-772-1213](tel:800-772-1213) and follow their directions. Don't wait!

I hope this information answers some of your questions. SAVE THIS LETTER. My web site addresses other issues so please log on at WWW.VIGORITA.COM and explore it. Let me know if there are any other questions that need answering so that I can help you.

Remember helping me helps you! Rest assured that I appreciate you having retained me and am looking forward to representing you.

Very truly yours,

Louis J. Vigorita
Attorney at Law
Certified Workers' Compensation Specialist