

Claim for Benefits – FAQ

Q - What do I do if I have a problem getting benefits?

A - First, talk with your employer's insurance carrier or your self-insured employer to find out why your claim is denied. Often disputes can be resolved by sharing information or obtaining medical records. If you cannot resolve the dispute, you must file a [Claim for Benefits](#).

Most workers' compensation claims are resolved to the satisfaction of the injured employee, employer, and insurance carrier. Usually, the appropriate payments are made and services provided. However, there are times when the employee disagrees with an employer's/carrier's decision and wants to formally challenge that decision.

Q - Where do I file a claim?

A - If your claim is denied or if the employer/carrier refuses to make payments, you should send a written request for a hearing to the Workers' Compensation Commission, 1000 DMV Drive, Richmond, Virginia 23220.

Q - Is there a time limit on filing a claim?

A - Yes. The Workers' Compensation Act provides a fixed, time period in which you may file a claim for benefits. If you do not file a claim within that time, you may be risking your right to future benefits. These time limits, called "statutes of limitations," are discussed in more detail in our ["Guide for Employees."](#)

A worker must file a claim for workers' compensation benefits within two years of the date of accident. For most occupational diseases, you must file a claim within two years of the date you were told the disease was caused by your work and within five years of the date you were last exposed at work. If after returning to work, you are again disabled, you must file a claim within two years of the date for which you were last paid compensation under an Award.

You still must file a claim with the Commission if the employer/carrier has voluntarily paid you lost wages or medical benefits and no Award Order was entered by the Commission.

Q - May I file a claim under both the Virginia Workers' Compensation Act and under the Federal Longshore and Harbor Workers' Act?

A - Yes. Click here for [more information about this act](#) and the application process.

Q - Can I be fired for filing a workers' compensation claim?

A - You cannot be fired because you filed a workers' compensation claim nor can a witness be fired. You should consult an attorney if you think you were fired for one of these reasons. These actions are brought in the Circuit Court.

Q - Where can I obtain additional information about workers' compensation?

A - Contact the Commission's Customer Contact Center by phone at (877) 664-2566 or by email at Questions@workcomp.virginia.gov.

Q - If my employer has accepted my claim, reported my accident to the Commission, and paid me for my lost time and my medical bills; do I still need to file something with the Commission? The injured employee must notify the Commission in writing as soon as possible every time he or she misses work even if the employer has accepted the claim. The only exception is where the employee has signed an Agreement form and received an award for each period of lost time.

A - Yes.