

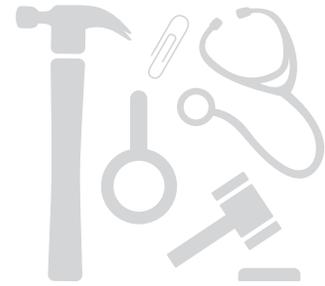


VIRGINIA

Workers' Compensation Commission

333 E. Franklin St., Richmond, VA 23219 | 877-664-2566

workcomp.virginia.gov | questions@workcomp.virginia.gov



What Is Workers' Compensation?



Workers' Compensation is a mandatory insurance requirement under Virginia law, which requires every employer who regularly employs more than two workers, part-time or full-time, to carry workers' compensation insurance coverage. This coverage may provide benefits to workers who are injured on the job or develop an occupational disease during their employment. This may include compensation for an **"injury by accident"** or an **"occupational disease"** under the Virginia Workers' Compensation Act.

An **"injury"** must:

- Occur at work or during a work-related function
- Be caused by a specific work activity
- Happen at a reasonably definite time

A **"disease"** must:

- Be caused by work
- Not be a disease of the back, neck, or spinal column

Injuries incurred gradually or from repetitive trauma are not covered, although carpal tunnel syndrome, occupational hearing loss and other diseases caused by repetitive trauma may be covered.

What Is the Role of the Virginia Workers' Compensation Commission?

The Virginia Workers' Compensation Commission works as a court system, administering the workers' compensation laws of the Commonwealth of Virginia. The Commission is not an advocate for injured workers and does not make payments on claims. The Commission can assist in the following ways:

- Informing the injured worker of their rights and responsibilities under the Virginia Workers' Compensation Act
- Explaining the process for filing a [Claim Form](#)
- Informally resolving benefit disputes through Alternative Dispute Resolution (ADR)
- Serving as a resource by educating and providing information about various workers' compensation processes

Injured on the Job. What Are My Rights?

1 Report the injury



Report any work-related injury or occupational disease to the employer as soon as possible, but no later than 30 days from the date of injury, or 60 days from when a disease is communicated. Failure to report the injury or disease within this timeframe could result in the claim being denied. **Notifying the employer is not the same as filing a claim with the Commission.** The injured worker must file a [Claim Form](#) directly with the Commission. Employers are required to file a First Report of Injury with the Commission within 10 days of having knowledge of any injury or death of an injured worker.

2 File a claim



Filing a [Claim Form](#) is the responsibility of the injured worker, not the employer. The [Claim Form](#) is available on the Commission's [website](#). Once a claim is filed, an injured worker is also known as a claimant. Generally, the [Claim Form](#) must be submitted to the Commission within two years from the date of injury or communication of an occupational disease. There are many exceptions to this timeframe. While representation by an attorney is not required, workers' compensation is a complex area of the law and an injured worker is encouraged to seek legal advice concerning their claim.

3 Keep up with the claim status



The Commission's online records system, WebFile, is the fastest way a claimant can view the status of their claim and keep mailing addresses up-to-date to receive important information.

What Are the Types of Benefits Covered?

Do you require ongoing medical treatment?



Medical Award

Coverage of medical expenses related to the injury or illness may be provided, including medical bills or out of pocket expenses such as prescription cost and mileage/transportation.

Have you missed more than seven days of work or cannot return to regular work?



Wage Loss Replacement (Temporary Total/Temporary Partial Disability)

Full or partial wage loss replacement for medically authorized disability from work.

Have you suffered permanent loss or loss of use of a body part such as an arm, leg, finger, toe or eye?



Permanent Partial Disability

Payment for total or partial loss of use of a body part, total or partial amputation, disfigurement/bodily scarring, loss of hearing, loss of vision or certain lung diseases.

Did you lose or lose use of both hands, arms, feet, legs, eyes or any two from the same injury?



Permanent Total Disability

Lifetime wage replacement for loss or loss of use of both hands, arms, feet, legs, eyes or any two from the same injury, or if paralyzed or disabled from a severe brain injury.

What are some other benefits available?

Cost of Living Adjustment

An injured worker or beneficiary who is receiving temporary total, permanent total or death benefits may be entitled to a Cost of Living Adjustment (COLA) if the combination of compensation and Social Security benefits are less than 80% of pre-injury earnings.

Vocational Rehabilitation

Services available include vocational evaluation, counseling, job coaching, job development, job placement, on-the-job training, education, retraining, etc.

Death Benefits

In cases where injury or occupational disease results in death, a surviving spouse, children or certain other dependents may be entitled to wage loss replacement benefits and payment of funeral/transportation expenses.

What Terms Should I Know?

Injury and Occupational Disease



An **injury** is any accident occurring at the workplace or during a work event which causes harm to the body. An **occupational disease** is a condition caused by the work or working conditions.

Notification of Injury



A document sent by the Commission to all parties once an injury is reported to the Commission. This document informs the parties of their rights and responsibilities.

Claim Form



A Commission form required to be completed by an injured worker to assert their rights or request benefits. If a claim is denied by the employer or its insurance carrier, the **Claim Form** serves as a hearing request.

Notification of Rights



Information detailing the injured worker's rights and responsibilities. This notice is sent once the Commission receives the First Report of Injury from the employer.

Award Order and Award Agreement



An **Award** is the acceptance or denial of benefits. An **Award Agreement** is a document sent to the injured worker if a claim is accepted. Once the Award Agreement is signed and submitted, the Commission enters an **Award Order**, which is an official order protecting the injured worker's rights.

Hearing



A legal proceeding where a Commissioner or Deputy Commissioner reviews the issues in a case or receives witness testimony, medical records and other evidence in order to make a formal decision about a dispute or a proposed settlement.

Step 1- Notice of Hearing

Step 2- Hearing Held

Step 3- Decision Rendered

Appeal



An application to a higher court requesting a case review. Either party has 30 days to file an appeal from the date of a Judicial Opinion.

1st Appeal- To appeal the Commission's first ruling, an appeal may be filed within 30 days of the decision.

2nd Appeal- To appeal the Commission's ruling, an appeal may be filed to the Court of Appeals.

3rd Appeal- To appeal the Court of Appeal's ruling, an appeal may be filed to the Supreme Court.

What Services Are Offered at the Commission?



Alternative Dispute Resolution (ADR)

Confidential mediation services offered by the Commission to assist in identifying issues, clarifying misunderstandings and exploring solutions together. These services are free and are not required.



Clerk's Office

The Clerk's Office is located at the Richmond Headquarters. Available to all parties, the Clerk's Office can assist with claim related documents, general hearing information, and Commission policies and procedures.



Regional Offices

Any party can visit the Commission's regional offices to file a [Claim Form](#) or receive information on various Commission forms and processes. Regional offices also host hearings and mediations.



Customer Contact Center

The Customer Contact Center is available to assist with general questions. This service is available from 8:30 a.m. - 4:45 p.m., Monday - Friday at 877-664-2566 or questions@workcomp.virginia.gov.



Ombudsman Office

Commission employees who provide impartial education for unrepresented parties. This includes guidance on how to navigate various workers' compensation processes.

Online Resources

- [Commission Website](#)- Offers various information and resources
- [Online Tools / Calculators](#)- Updated annually
- [Glossary of Terms](#)- A list of commonly used workers' compensation terms
- [VWC YouTube Page](#)- Informational videos and tutorials
- [WebFile](#)- The Commission's online portal to electronic records



Hearings

A legal proceeding where a Commissioner or Deputy Commissioner reviews the issues in a case or receives witness testimony, medical records and other evidence in order to make a formal decision about a dispute or a proposed settlement. Video hearings may be available, allowing parties to attend hearings virtually.

What Are Some Helpful Tips?

- The Commission does not provide legal advice or legal representation to injured workers. An injured worker seeking legal representation or advice may contact the Lawyer Referral Service at 800-552-7977.
- Any workplace injury or illness should be reported as soon as possible. The employer should provide the injured worker with a list of at least three medical providers from which to choose to receive treatment.
- If an injury results in medical treatment, it is important to tell the representative at the medical care facility that the injury occurred during work.
- The injured worker may contact the Commission for assistance if the employer or insurance carrier does not respond to their request for medical treatment.
- An injured worker should get copies of the medical records (not bills) related to their work injuries and submit them to the Commission if their claim is denied by the employer or its insurance carrier.
- The Commission does not distribute money to injured workers. This is a function of the employer's insurance carrier.
- The Commission does not schedule medical appointments. This is the responsibility of the injured worker.

How to File a Claim

The [Claim Form](#) is available at workcomp.virginia.gov and may be filed in the following ways:



By Mail

Virginia Workers' Compensation Commission
333 E. Franklin St., Richmond, VA 23219`



In-Person

(See Commission Locations)



By Fax

804-823-6957



Online by WebFile

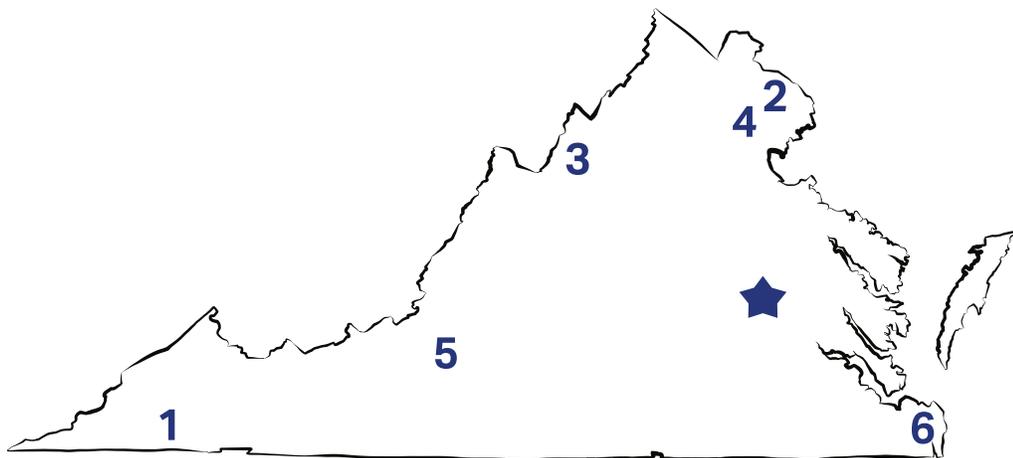
workcomp.virginia.gov

Commission Locations



Richmond Headquarters

333 E. Franklin St.
Richmond, VA 23219



Regional Offices

1

Bristol

425 State St., Suite 200
Bristol, VA 24201

2

Fairfax

Prosperity Plaza
3020 Hamaker Ct., Suite 200
Fairfax, VA 22031

3

Harrisonburg

41 Court Sq., Suite B
Harrisonburg, VA 22801

4

Manassas

Sudley Tower
7900 Sudley Rd., Suite 500
Manassas, VA 20109

5

Roanoke

3800 Electric Rd., Suite 200
Roanoke, VA 24018

6

Virginia Beach

281 Independence Blvd.
Pembroke One, Suite 310
Virginia Beach, VA 23462



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How to Contact the Commission

Customer Contact Center

For general questions, please contact the Customer Contact Center toll free at 877-664-2566 from 8:30 a.m. - 4:45 p.m., Monday - Friday.

Phone: 877-664-2566 **Fax:** 804-418-4920

Email: questions@workcomp.virginia.gov

For questions regarding a specific claim, contact the Commission by mail or telephone. **Please note, the Commission cannot accept filings via email.**

Office Hours: 8:30 a.m. - 4:45 p.m., Monday - Friday

Clerk's Office

The Clerk's Office is available to assist with claim related documents, general hearing information, and Commission policies and procedures from 8:15 a.m. - 5:00 p.m.

Phone: 804-205-3569 **Fax:** 804-823-6957

Office Hours: 8:15 a.m. - 5:00 p.m., Monday - Friday

For more information, visit workcomp.virginia.gov.