



WE HELP WORKERS®

# FAQ: Personal Injury

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Laws regarding personal injury and insurance are extremely complex. To ensure that you receive the full compensation to which you are entitled by law, hiring an experienced personal injury accident attorney is generally the most reliable option. Small claims court can sometimes handle matters involving minor sums of money; however, an injured party should always consult an attorney in cases that involve larger claims.

Most people suffering from a personal injury have similar questions, and the experienced Personal Injury Accident Attorneys at Emery | Reddy, PLLC have answers. Read more to learn the answers to some of the most common personal injury accident questions that we hear from injured workers.

## Do I Have to Pay Taxes on My Personal Injury Recovery?

No. Awards to make a person whole as a result of a personal injury are not taxable as income.

## Will My Insurance Premiums Increase as a Result of Litigation?

No. An insurance company may not retaliate against you for enforcing your statutory or contractual rights. If you were not at fault for the accident, your rates should not increase.

## How Much Can I Recover in Damages?

In Washington state, pain and suffering damages are awarded to compensate individuals for their injuries. These damages are received in addition to compensation for lost wages, property damage, and medical bills. Most insurance companies will not offer you damages for pain and suffering unless you hire a personal injury accident attorney who knows what to ask for.

If a third party was involved in your personal injury, there is potential to recover further compensation through a third-party claim.

## What Should I Do If I've Been Injured?

**1. Report your injury or illness:** L&I or your self-insured employer (SIE) must receive your Report of Accident within 1 year of your injury date to file a claim. Occupational illness claims must be received within two years from the date of your doctor's diagnosis.

**2. Seek medical attention:** Your doctor will send the report to L&I or your self-insured employer. If your doctor is one of the many healthcare providers that do not handle workers' compensation claim cases, you can find an L&I-approved doctor on the L&I website. If your L&I claim is approved, L&I will cover the initial visit even if it wasn't with one of their approved doctors.

**3. File a claim:** If you are injured at work, you have

three options to file a Washington state Labor and Industries claim:

- File by phone at 877.561.3453.
- File online through the L&I website's File Fast tool.
- File at your doctor's office.

Note that if you work with a self-insured employer, you must file your claim with them.

**4. Hire an L&I attorney to represent you:** Make sure to keep a journal of everything that transpires. We also recommend that you keep an electronic version of your journal to forward to your Seattle L&I attorney, if necessary.

## Is My Personal Injury Accident a Third-Party Claim or an L&I Claim?

### Third-Party Claim

A third-party claim is one in which someone other than your employer or co-worker is responsible for your injury. If you have been injured on the job due to someone else's actions or negligence, you may be entitled to additional compensation through a third-party claim, which combines your L&I claim with a personal injury claim using the same facts.

Unlike workers' compensation payments, there is no limit to the amount of compensation an injured worker may seek in third-party damages. Third-party claims are private matters and are typically litigated directly with the Washington State Superior Court.

If your personal injury leaves you out of work for an extended period of time, you may be entitled to compensation for pain, suffering, and lost wages.

### L&I Claim

An L&I claim results from a workplace injury or occupational illness. An L&I claim is monitored and managed by an L&I Claims Manager who sees the process through from initial claim filing to closure. If all goes as planned, your claim is accepted by L&I and you will receive certain benefits.

When you are injured or contract certain types of illnesses at work, you are entitled to certain workers' compensation benefits. You can file an L&I claim in Washington state through the L&I website's File Fast tool, by calling the L&I office at 877.561.3453, or at your doctor's office. After you file, it is imperative that you call an experienced L&I attorney to help you navigate the L&I claims process.



## Our Seattle L&I Attorneys Will Help You Recover:

**Medical benefits:** L&I medical benefits will cover all medical costs associated with your claim. This can include doctor appointments, treatments, surgeries, occupational therapy, and prescription medications.

**Time-loss and wage replacement:** If you are approved for time-loss benefits, you may receive compensation for lost wages and vocational rehabilitation.

**Damages for pain and suffering:** L&I settlement and award amounts vary widely and typically fall into three categories:

**1. L&I disability pension:** A life-long benefit awarded to injured workers who will never be able to return to any gainful employment due to a severe or life-threatening injury.

**2. Permanent partial disability (PPD) award:** A one-time sum paid to injured workers when their L&I claim is closed. The worker can re-enter the workforce following a PPD award.

**3. Claim resolution settlement agreement (CRSA):** An L&I settlement option where all parties agree to close an injury claim for a specified amount. When agreeing to this settlement type, the injured worker exchanges all future L&I benefits, except medical, for the payment.

We understand that many families depend on the income of an injured worker, and our L&I and Personal Injury Attorneys are dedicated to winning the benefits and compensation you are entitled to by law. Our practice was founded on a commitment to advocating for workers' rights, and we are proud of our record protecting the injured and disabled.