

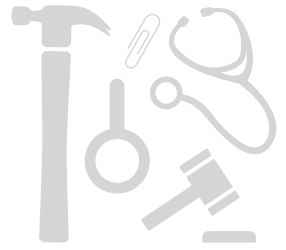


VIRGINIA

Workers' Compensation Commission

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

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



An Introduction to Workers' Compensation

Content in this document is also available on the [injured workers section of the VWC website](#), or by scanning the QR code. El contenido de este documento también está disponible [en traducción en la sección de trabajadores lesionados del sitio web de la VWC](#), o al escanear el código QR a la derecha.



What is Workers' Compensation?

Workers' compensation is insurance coverage required by Virginia law for employers who regularly employ more than two workers in Virginia, whether part-time or full-time. This coverage may provide benefits to workers who are injured on the job or develop an occupational disease during their employment under the Virginia Workers' Compensation Act.



An **"injury by accident"** must:

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

An **"occupational disease"** must:

1. Be caused by work
2. Not be a disease of the back, neck, or spinal column
3. Be diagnosed by a doctor

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 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 pay benefits on workers' compensation claims. Insurance carriers pay workers' compensation benefits. The Commission assists in the following ways:

- Informs all parties of their rights and responsibilities under the Virginia Workers' Compensation Act
- Holds hearings when there are disputes to determine entitlement to benefits under the Virginia Workers' Compensation Act
- Offers Alternative Dispute Resolution (ADR) as a different path to resolve benefit disagreements
- Provides resources and information about workers' compensation

Injured on the Job. What's Next?

1 Report the injury

Report any work-related injury or occupational disease to your 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 do so could result in losing your right to receive workers' compensation benefits.

2 File a Claim Form

Filing a claim is the responsibility of the injured worker. The employer's notification to the Commission of an injury is not filing a claim. A Claim Form is available on the [Commission's website](#). Once you file a Claim Form, you are defined 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. The Commission does not provide legal advice or legal representation to injured workers. An injured worker seeking legal representation or advice may contact the Virginia Lawyer Referral Service at 800-552-7977.

3 Keep up with the claim status

The Commission's online records system, [WebFile](#), is the quickest way to securely view claim details, file items electronically and update contact information.

How to File a Claim Form

The Claim Form is available at workcomp.virginia.gov and may be filed in the following ways:



In Person- Hand deliver to any Commission location, listed below (bring photo identification)



By Mail- Virginia Workers' Compensation Commission, 333 E. Franklin St., Richmond, VA 23219



By Fax- 804-823-6956



Online by WebFile- workcomp.virginia.gov/webfile

The Commission cannot accept filings via email or by phone.

Commission Locations

Headquarters

Richmond: 333 E. Franklin St., Richmond, VA 23219

Regional Offices

Bristol: 425 State St., Suite 200, Bristol, VA 24201

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

Harrisonburg: 136 W. Elizabeth St., Suite 101, Harrisonburg, VA 22802

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

Roanoke: 3800 Electric Rd., Suite 200, Roanoke, VA 24018

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

Ways to Contact the Commission

Phone or Email

For general questions, contact the Commission's Customer Contact Center toll-free at 877-664-2566 or by email at questions@workcomp.virginia.gov. The Commission does not discuss claim specific details by email. Language translation is available for phone calls. Commission representatives are available Monday-Friday, from 8:30 a.m. - 4:45 p.m.

Online

Many resources are available on the Commission's website at workcomp.virginia.gov.

In Person

The Clerk's Office, located at the Commission's headquarters, assists with claim-related documents, general hearing information, and Commission policies and procedures. This office is available Monday-Friday, from 8:15 a.m. - 5:00 p.m.

Services Offered by the Commission

Alternative Dispute Resolution (ADR)

Confidential mediation services which assist in identifying issues, clarifying misunderstandings and exploring solutions together. These services are free and are not required.

Ombudsman

The Ombuds Department is a free, confidential resource providing information and assistance to workers, employers and other parties who are not represented by a lawyer, and who need help understanding the workers' compensation system. Contact the Ombuds Department at 833-448-1681 or email ombuds@workcomp.virginia.gov.

Online Resources

- [Online Tools / Calculators](#)
- [Glossary of Terms-](#) Commonly used workers' compensation terms
- [VWC YouTube-](#) Informational tutorials
- [WebFile-](#) The Commission's online portal to electronic records

What are the Types of Benefits Covered?

Need Medical Treatment(s)?

Medical Award:

Approved coverage of medical expenses, including medical bills or out-of-pocket expenses such as prescriptions and mileage/transportation may be provided, for as long as necessary.

Are you temporarily unable to work due to a work-related injury or illness?

Wage Loss Replacement (Temporary Partial/Temporary Total Disability):

These wage replacement benefits may be available as you recover from your work-related injury or illness. Temporary partial disability (TPD) covers partial wage replacement if you are working with restrictions, also known as light-duty work. Temporary total disability (TTD) is a benefit that covers a percentage of your wage loss if you are not working while recovering. If you have an ability to work and your employer does not have work for you, you may need to look for a job. Visit the Commission's website for more details on [Job Search Guidelines](#) or scan the QR code to the right.



Do you have a permanent impairment due to a work-related injury or illness?

Wage Loss Replacement (Permanent Partial/Permanent Total Disability):

These wage replacement benefits may be available after a medical provider determines that you have gotten as good as you are going to get. Permanent partial disability (PPD) is available when there is also disfigurement/scarring, or an amputation or loss of use to a body part specifically listed in Virginia Code § 65.2-503. Permanent total disability benefits may be available in limited circumstances when you are left permanently unable to work or have severe loss of use to two or more of the body parts listed in Virginia Code § 65.2-503.

Are there monetary increases for cost of living adjustments to my awarded benefit?

Cost of Living Adjustment (COLA):

The purpose of the COLA benefit is to ensure, as much as possible, that the value of compensation paid under the Virginia Workers' Compensation Act does not diminish due to inflation. An injured worker or beneficiary who is receiving temporary total, permanent total or death benefits may be entitled to a COLA. It is the obligation of the injured worker or beneficiary to file for this benefit with the Commission each year and submit certain required information.

Need help re-entering the workforce?

Vocational Rehabilitation:

Services available may include vocational evaluation, counseling, job coaching, job development, job placement, education, on-the-job training, and where appropriate, retraining. Vocational guidelines are available in the [Benefits section of the Commission's website](#), or by scanning the QR code.



Did the work-related injury or occupational disease lead to death of the employee?

Death Benefits:

Death benefits may include payment of funeral/transportation costs and wage loss benefits. Wage loss benefits may be awarded to a surviving spouse, children under the age of 18 (or under 23 if enrolled in an accredited educational institution), or certain other dependents.

What are Commonly Used Terms I Should Know?

Notification of Injury- A document sent by the Commission, informing all parties of their rights and responsibilities. This notice is sent once an injury is reported to the Commission.

Claim Form- A form an injured worker can file with the Commission to assert their rights, and formally request benefits for a work-related injury or occupational disease.

Award Agreement, Award Order and Award- An **Award Agreement** is a document sent to the injured worker by the insurance company if a claim, or part of a claim, is accepted. Once the Award Agreement is signed and submitted, the Commission enters an **Award Order**, which is the official order granting benefits. The Award Order is also called an **Award**.

Hearing and Opinion- A **hearing** is a legal proceeding held by the Commission to make a formal decision when the injured worker and employer/carrier cannot resolve a dispute. A hearing can be requested by an injured worker if their employer/carrier denies a claim or refuses to make certain payments. During a hearing, the Commission receives witness testimony, medical records and other evidence and makes the final decision, in writing, explaining whether or not an Award Order will be entered and why or why not. This written decision is called an **Opinion**.

Appeal- If either party disagrees with an Opinion that has been issued, the party may appeal to the next level within 30 calendar days of the Opinion date.

1st appeal- To appeal the Deputy Commissioner's ruling, an appeal to the Full Commission may be filed within 30 days of the decision.

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

3rd appeal- To appeal the Virginia Court of Appeals ruling, a request may be made for the Virginia Supreme Court to hear the appeal. The Virginia Supreme Court will decide whether they agree to hear the appeal.

What are Some Helpful Tips?

- Your employer cannot prevent you from filing a claim or force you to say your injury did not happen while working.
- 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.
- If a workplace injury results in emergency medical treatment, inform the emergency care facility that the injury occurred at work.
- Your employer should provide you with a list of at least three medical providers from which to choose to receive treatment.
- The Commission does not schedule medical appointments. This is the responsibility of the injured worker.
- Medical bills or benefits are paid by the insurance carrier, not by the Commission or employer.
- If an Award Order has been entered, the doctor should not bill you directly. The bill should be sent to the party responsible for the bill, which is usually the employer's insurance carrier.
- If your employer or the insurer does not respond to your request for medical treatment, contact the Commission for assistance.
- The insurer has 60 days from your employer's knowledge of the claim to timely accept or deny your claim. You will be notified of the decision in writing. If your claim is denied, the insurer will send you a letter explaining why it was denied and what your appeal rights are. If you do not agree with the insurer's decision about your claim or you never receive a response, you have the right to file a claim with the Commission or ask for a hearing on the issues disputed. You may also file a claim if the insurance company accepts your claim, but never sends an Award Agreement.

Content in this document is also available on the [injured workers section of the VWC website](#), or by scanning the QR code.
El contenido de este documento también está disponible [en traducción en la sección de trabajadores lesionados del sitio web de la VWC](#), o al escanear el código QR a la derecha.

