

Overview of Workers Compensation

Presented By:

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OVERVIEW OF WORKERS COMPENSATION

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Overview of Workers Compensation

Online Presentation

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Section 1

Biography

HOWARD ANKIN

A third generation lawyer, Howard Ankin has known many of his clients since he was a child. They descend from family members, friends and co-workers of his father and grandfather; many recall him as a young boy accompanying his father to court on school breaks. Deep passions for justice and the law are not just part of Howard's professional life, they have been engrained in who he is since he was born.

Today, Howard owns Ankin Law Office LLC - which has flourished since it was founded over 12 years ago - alongside his father and partner, Paul B. Ankin. With extensive experience practicing personal injury, workers compensation, wrongful death, social security disability and criminal and civil litigation, Howard has devoted his professional life to seeking justice on behalf of his clients and perpetuating the tradition of the Ankin family providing superior legal support for all of its clients.

By his third year of practice, Howard recovered \$1,000,000.00 for his client in *Latta vs. Village Green Associates*. Today, he has countless victories to his credit. But Howard's greatest professional accomplishment continues to be the stability and hope he brings his clients by securing their livelihood through legal victories.

Howard Ankin prides himself in representing his clients as their friend and attorney, providing quality referrals for legal matters outside of his practice areas. His investment in the Ankin Law Office LLC is evidenced every day as families throughout the Chicago area and Illinois return to the firm for legal guidance at all stages of their lives.

Section 2

Classroom Materials

OVERVIEW OF WORKERS COMPENSATION

Presented April 26, 2011

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Illinois Workers Compensation Act

- ❑ An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment...
- ❑ Workers Compensation is a statutory recovery where an employee gets certain rights and benefits as defined under the Illinois Workers Compensation Act. (820 ILCS 305)

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Background

- ❑ Like all social legislation, the law first took effect on May 1, 1912 following a coal mining accident.
- ❑ At common law, an employee was barred from recovery in a negligence action against his employer for being 1% contributorily negligent or for a fellow servant causing injury to a co-employee.
- ❑ Designed to provide easier access to recovery for medical bills and lost wages in exchange for giving up pain and suffering and other like damages in tort.

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Continued

- The system does not provide for individual justice, but contemplates providing 50,000 injured workers a year with “assembly line” justice.

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How do I get started?

- 4 main Workers’ Compensation filing locations and regional hearing sites in Illinois.
 - Chicago, Springfield, Peoria and Belleville
- Remember:
 - Arbitration procedure, not a court case.
 - Most major counties have their own hearing call site.
 - Meets on a regular basis.
 - NO PHYSICAL MEETING LOCATION EXCEPT FOR 4 FILING LOCATIONS, WITH EXCEPTION OF REGULARLY SCHEDULED CALLS.

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Arbitration Hearing Sites

Illinois Workers’ Compensation Commission 2011 Downstate Arbitration Hearing Sites – Revised 9/2010

Note: A list and phone calls regarding case status will not be accepted at the downstate hearing sites, with the exception of Commission offices.

Adairsville St. Clair County Bldg. County Board Meeting Room 15 Public Square, 3 rd Floor Belleville, IL	Alton Civic Center Plaza 1 st Floor Meeting Room DeWitt, IL	Amoknee Hilton Gardens of Kankakee 475 Business Parkway Kankakee, IL	Rock Falls City Hall & Youth Center 611 N. 1 st Street Rock Falls, IL	Waukegan Lake County Courthouse Jury Assembly Room 18 N. County Waukegan
Bloomington Law & Justice Center 104 W. Front Street Bloomington, IL	Belleville Municipal Building Council Chambers 200 S. 4 th Street DeKalb, IL	Mattson Mattson Public Library 1600 Charleston Avenue Mattson, IL	Rockford Rockford State Office Building 200 S. Wynn Rockford, IL	Whiting Whiting Courthouse Government Center 411 N. County Farm Road 1-200A, 1 st Building Whiting, IL
Carlinville Barr W. Center 1-33 & Rt. 108, East 60 Carlinville, IL	Galena American Legion Post 245 711 E. South St. Galena, IL	Mc. Vernon Kemper’s Holiday Inn 222 Peoria Blvd. Mc. Vernon, IL	Rock Island City Hall Council Chambers 1328 Third Avenue Rock Island, IL	Whittington/Herrin* Sutton Lodge Fossil Lake Golf Course 12476 Golf Course Road Whittington, IL
Clinton DeWitt County Courthouse 20 W. Washington Clinton, IL	Geneseo Kane County Courthouse 100 S. 1 st Street #240 Geneseo, IL	Ottawa LDS/Alle County Courthouse 115 W. Madison #203 Ottawa, IL	Springfield Springfield 1500 S. South Street, Frontage Road Springfield, IL	Winchester Scott County Courthouse 15 E. Market St. Winchester, IL
Collingsville TWCC (At I-55/70 and I-57) 1014 Corporate Plaza Collingsville, IL	Herrin Civic Center 101 S. 1 st Street Herrin, IL	Peoria TWCC City Center Plaza 302 NE Madison #201 Peoria, IL	Urbana Civic Center 108 E. Water Street Urbana, IL	Woodstock McHenry Government Center 2100 N. Seminary Room A140 Woodstock, IL
Decatur Courthouse Annex 6 N. Vanalton County Board Room, 1 st Floor Decatur, IL	Wentz Wentz County Courthouse 57 N. Ottawa, Sm. 201 Joliet, IL	Quincy Adams County Courthouse 212 Vermont Street, Room 2D Quincy, IL		

*The Whittington/Herrin status call will be conducted at the Whittington location. Trial days will be conducted in Whittington and Herrin.
Illinois Workers’ Compensation Commission 100 W. Randolph, Suite 9-200 Chicago, IL 60601 (312) 814-6611 Toll Free: (866) 382-3633 TDD: (312) 814-2989.

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Chicago Arbitrators

ILLINOIS WORKERS' COMPENSATION COMMISSION
2011 CHICAGO ARBITRATION SCHEDULE - MAY

CALL STATUS	TRIAL DATES												
	1	2	3	4	5	6	7	8	9	10	11	12	13
HON. KATHLEEN HAGAN	4/25												
HON. GILBERTO CALICHA	4/26	3	4	5	6	7	8	9	10	11	12	13	14
HON. GERALD JUTLA	4/27	4	5	6	7	8	9	10	11	12	13	14	15
HON. GREG DOLLISON	4/28	5	6	7	8	9	10	11	12	13	14	15	16
HON. JOSEPH PRICCO	4/29	6	7	8	9	10	11	12	13	14	15	16	17
HON. BRIAN CRONIN	5/2	9	10	11	12	13	14	15	16	17	18	19	20
HON. ROBERT LAMME	5/5	13	14	15	16	17	18	19	20	21	22	23	24
HON. MAUREEN PULLA	5/6	16	17	18	19	20	21	22	23	24	25	26	27
HON. MILTON BLACK	5/9	17	18	19	20	21	22	23	24	25	26	27	28
HON. ROBERT WILLIAMS	5/10	18	19	20	21	22	23	24	25	26	27	28	29
HON. CHARLES DE VRIENDT	5/11	19	20	21	22	23	24	25	26	27	28	29	30
HON. DAVID KANE	5/16	20	21	22	23	24	25	26	27	28	29	30	31
HON. RICHARD PETERSON	5/17	23	24	25	26	27	28	29	30	31	6/1	6/2	6/3
HON. KURT CARLSON	5/20	26	27	28	29	30	31	6/1	6/2	6/3	6/4	6/5	6/6


A Five Star Arbitrator will be available each day in Room 8-205 to review gross settlement contracts.
Cases will be continued for 2 months.

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For more information...

ILLINOIS WORKERS' COMPENSATION COMMISSION

HANDBOOK ON WORKERS' COMPENSATION AND OCCUPATIONAL DISEASES




Rod R. Blagojevich
Governor

Dennis R. Rath
Chairman

RULES GOVERNING PRACTICE BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

Last Revised February 1, 2009



Pat Quinn
Governor

Ann J. Morris
Acting Chairman

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Benefits

Medical

- Pay 100% of "necessary and reasonable" medical
- Elect own doctor
- Doctors submit bills payable in 60 days.

Lost Time

- 66 2/3% of Average Weekly Wage (AWW) for Temporary Total Disability (TTD)
- 4th Day, 15th Day picks up first 3 days
- Determine AWW

Permanency

- 8(d), 8(d)(1), Total Permanent, Scarring
- PPD: 60% of AWW
- PPD x % body part = Recovery
- Statutory Losses v. Itemized Losses

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Schedule

PERMANENT PARTIAL DISABILITY BENEFITS SCHEDULE OF BODY PARTS

	Injuries occurring			
	Before 7/20/05	7/20/2005 - 11/15/2005	11/16/05 - 1/31/06	On or after 2/1/2006
Disfigurement	150	162	150	162
Thumb	70	76	70	76
First (index) finger	40	43	40	43
Second (middle) finger	35	38	35	38
Third (ring) finger	25	27	25	27
Fourth (little) finger	20	22	20	22
Great toe	35	38	35	38
Each other toe	12	13	12	13
Hand	190	205	190	205
Arm	235	253	235	253
--Amputation above elbow	250	270	250	270
--Amputation at shoulder joint	300	323	300	323
Foot	155	167	155	167
Leg	200	215	200	215
--Amputation above knee	225	242	225	242
--Amputation at hip joint	275	296	275	296
Eye	150	162	150	162
--Enucleation of eye	100	173	100	173
Hearing loss of one ear (under WC Act)	50	54	50	54
Hearing loss of both ears (under WC Act)	200	215	200	215
Testicle-1	50	54	50	54
Testicle-2	150	162	150	162

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Filing Procedure

- Arbitration hearing procedure
- Many practitioners are concerned with the civil procedure of a Workers' Compensation claim acting like a civil case at the court house, which it is not.
- The Act is a user used system
 - If a Petitioner or Respondent chooses to use the system, the Commission is there to assist in adjudicating disputes.
 - If the system is not used, the Arbitrator does not regulate the equivalent of discovery deadlines or the scheduling of trial dates.
 - Accordingly, if a Petitioner files a claim and does nothing more, the claim will pend on an Arbitrator's docket until it reaches the Arbitrators "redline".
 - Arbitrator will insist that the claim is tried or the claim will be dismissed with the exception of a continuance for good cause.
 - Typical "redline" is 3 years from the date of filing.

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Filing the Claim

- Application for Adjustment of Claim (Application for Benefits)
 - Filed at 1 of 5 Commission offices.
 - Filed in triplicate. (Clerk keeps 2 copies)
 - Chicago
 - 2 file clerks at the far right of the front desk
 - Can stamp while you wait if low number. High volume, place in a basket.
 - Most firms leave filings in a colored file jacket for easy identification and pick-up.
 - All motions are also filed and picked up at this location.
 - Settlement Contracts are dropped off and picked up with the clerk at the front desk.
 - Settled contracts are kept for pick-up in alphabetical order behind the front desk.
 - Completing the Application:
 - Description of accident is customarily kept brief.
 - Nature of Injury customarily uses the term of art "severe and permanent"
 - Once filed, the Commission will assign an Arbitrator and set the claims initial call date.
 - No appearance is required at this initial call, unless one of the parties notices the claim.

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