

Workers' Compensation Forum

Question: I recently had an injury at work to my back from repetitive lifting. At first, I thought it was just a strain, and that it would improve with a few days of rest. Although I mentioned the injury to some other employees, I didn't tell my supervisor right away, because I didn't think it was a big deal. After a few weeks, however, my back was so painful that I could hardly walk, and I told my supervisor. My supervisor said that the policy of the company was that injuries had to be reported within 24 hours, and if the injury was not reported within that time, they could deny my workers' compensation case. That doesn't seem right to me. Can they do this?

Answer: No. Iowa's workers' compensation act says that an employee has **90 days** from the date of the injury to notify the employer or a representative of the employer. Although an employer can encourage employees to report work injuries as soon as possible, under the law, as long as the employer has actual knowledge of the injury or the employee notifies the employer within 90 days, that is sufficient.

If you do have an injury, however, it is the best practice to notify the employer as soon possible after the injury. It is also a good idea to notify the employer in writing, and keep a copy of what you give the employer. That way there is no doubt that you provided notice to the employer. No particular form of notice is required, but you should tell the employer that you had an injury, the date of the injury, and that you are seeking workers' compensation for the injury.

Usually, if your injury happens as a result of trauma, there is not much problem with notice. If you have a cumulative or repetitive injury, however, it is more difficult to provide a specific date of the injury. In any event, you should tell the employer about your injury as soon as you realize that you have suffered an injury that is related to work.

If you have questions about the notice requirement or any other issues involving workers' compensation, you may wish to contact an attorney familiar with the workers' compensation area. The attorneys at Neifert, Byrne & Ozga, P.C., have over 55 years of legal experience, and can assist you with your workers' compensation claims. Contact us at:

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