

Workers' Compensation Questions

Question: I suffered an injury to my right knee while I was working, when I fell off a roof. As a result of this injury, I had to have surgery on my knee. Although the doctor did a good job with the surgery, I still have a lot of problems with my knee, and I cannot do the job I did before constructing pole barns because I have been restricted from climbing on ladders and being on roofs. The doctor has provided me with a rating of 7% to the leg for the injury, but that was only about 15 weeks of benefits. I have lost my job as a result of the injury. Is there anything else I can do?

Answer: The benefits that you can obtain from an injury to the knee are, as a practical matter, limited to the schedule of benefits contained in the workers' compensation law. In the case of a leg, the maximum number of weeks is 220 weeks, which means that a 7% injury to the leg would only get you 15.4 weeks of benefits. Other evidence can be used to increase this amount, such as your testimony and the testimony of witnesses.

In certain cases, where you have had an injury to what is termed a "scheduled member" (your feet, legs, hands, arms or eyes), you may have a claim against the Second Injury Fund of Iowa if you have had an earlier injury to a different foot, leg, hand, arm or eye. In your situation, if you had an earlier broken wrist, and this caused a permanent injury, the first injury to the wrist could be combined with the work injury to the right knee to allow for a claim. The first injury does not have to be related to work, although the second injury does.

When you have a claim against the Second Injury Fund, the question that needs to be asked concerns your loss of earning capacity as a result of the two injuries that you have suffered. In your case, the fact that that you cannot do your former work may increase the compensation you can receive, if you have had a first injury. It may be a good idea to consult with an attorney regarding your question. The attorneys at Neifert, Byrne & Ozga, P.C., have over 55 years of combined legal experience, and can assist you with your workers' compensation claims. Contact us at:

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