

## **Workers' Compensation Questions**

**Question:** I have worked for my current employer for over 15 years. I recently injured my leg at work, and as a result had to have surgery. When I came back to work after the surgery, I was placed on light duty. Since there was not much I could do on light duty, I was given the assignment of handing out gloves at work. One day, I was five minutes late for work, and I was fired for what the company called misconduct. After that, the company said that I was not eligible for workers' compensation benefits. Are they right? Is there anything I can do?

**Answer:** Your eligibility for workers' compensation benefits is independent of your employment status. As long as you had an injury that arose out of your employment, you are eligible for temporary workers' compensation benefits until you return to work, or you have reached maximum medical improvement, or you can return to substantially similar work, whichever comes first.

Because you were on light duty when you were fired, you were not able to return to substantially similar work, and therefore you should still be eligible to receive benefits from the employer and its workers compensation carrier. The fact that the employer called this misconduct does not mean that you will not be eligible for benefits. The workers' compensation law prescribes the conditions for eligibility for temporary benefits, and based on your question, you meet those conditions, since you cannot return to your former employment at this time.

You may wish to contact an experienced workers' compensation attorney to discuss your situation. 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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