

Common Questions

Q. Why do I need an attorney to represent me before the New York State Workers' Compensation Board?

A. Your employer and their workers' compensation insurance carrier are represented by an attorney at every hearing before the New York State Workers' Compensation Board. Their goal is to minimize, reduce, suspend, or worse yet, eliminate any monetary award which you are seeking. With these intentions in mind, you should have your own attorney to get you the benefits which you are entitled to receive.

Q. What does it cost me to hire Alex C Dell as my Worker's Compensation attorney?

A. Under the New York State Workers' Compensation Law, an injured worker is not permitted to pay an attorney directly for legal representation of them before the New York State Workers' Compensation Board. An attorney fee is only awarded by the Workers' Compensation Board when we win your case. The attorney fee is paid directly to the Firm by the Employer or their Insurer. If you are not entitled to any money, there is no attorney fee awarded.

Q. I am currently represented by a different law firm, but I would like you to represent me, what should I do?

A. After meeting with you to confirm how we can help you, we will take care of notifying the other Firm of our representation of you.

Q. What am I entitled to receive under the New York State Workers' Compensation Law?

A. The law generally provides two (2) main benefits: lost wages, and medical expenses. Lost wages are based upon your average gross weekly wage for the year prior to your accident date or the onset of illness. Subject to the maximum and minimum rates in effect as of the accident date, the maximum compensation rate is two-thirds of your gross average weekly wage.

Medical expenses are also paid by the employer and insurer, including doctor evaluations, tests (e.g., X-Ray, MRI, CT SCAN, Electromyography,, Nerve Conduction Velocity, etc.)

Q. Can I be reimbursed for my travel (i.e., mileage) expenses to and from my medical visits (e.g., Doctor, Physical Therapy, Chiropractor, etc.)?

A. YES. An injured worker is entitled to reimbursement for round trip mileage to and from medical visits based on set mileage reimbursement rates established by the New York State Workers's Compensation Board. For example, each mile traveled in 2013 is to be reimbursed at the rate of 56.5 cents. Please contact our office for the appropriate form to obtain such reimbursement.

Q: What are Social Security Disability Benefits and Supplemental Security Income benefits?

A: The Social Security Administration has two programs that provide benefits based on disability: Social Security Disability Insurance (SSDI), which is based on your employment history, and Supplemental Security Income (SSI). Under SSI, payments are made on the basis of financial need.

Social Security Disability Insurance (SSDI) is financed with Social Security taxes paid by

workers, employers, and self-employed persons. The amount of the monthly disability benefit is based on the Social Security earnings record of the insured worker. The SSDI program provides benefits to the disabled or blind individuals who are considered "insured" because of their contributions to the Social Security trust fund.

Supplemental Security Income (SSI) is a program financed through general revenues. You do not need a work history to qualify for SSI. SSI disability benefits are payable to adults or children who are disabled or blind, have limited income and resources, meet the living arrangement requirements, and are otherwise eligible. The monthly payment varies up to the maximum federal benefit rate, which may be supplemented by the State, or decreased by income and resources.

Q: Am I Disabled under the Social Security's rules?

A: Under the Social Security Act, "disability" means "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months."

In order to qualify for the either SSDI or SSI your condition does not need to be a permanent one, but you should only file if you expect to be unable to work for at least a year.

The Social Security Administration gathers your medical records and carefully considers all of your health problems, as well as your age, education, and work experience. In general, Social Security is supposed to decide whether you are able to do your past work. If Social Security decides that you are unable to do your past work, they are consider whether there is any other work which you can do considering your physical and mental disabilities and your age, education, and work experience.

What if I am denied for Social Security benefits?

If you think Social Security was wrong in denying you SSDI or SSI benefits you can fight the decision by asking for a hearing. Our firm will appeal the unfavorable decision.

How does The Law Firm of Alex C. Dell get paid?

If you are found eligible for SSD or SSI, the Social Security Administration will withhold 25% of your past due benefits to pay your attorney's fees out of the back benefits due to you and your dependants. Most of the time, the Social Security Administration will send a check directly to us.