

I Got Injured AT The Office Not IN The Office. What Can I Do?

May 10, 2012 | by Thomas F. Dorn, Jr

Last week I was walking in the parking lot of the office building that I work in. My high heel shoe got caught in a crack in the pavement and I went down, hard! I broke my ankle and both my wrists (trying to keep my face from hitting the pavement). I cannot work for the next few weeks because I am a secretary (my son is typing this email as I dictate it). What can I do? I need to pay my bills.

Your question raises several potential options as to what to do. It all depends on the certain facts about the circumstances of your fall in the parking lot.

If your employer owns the entire property (the building and the parking lot) here you fell then you have the right to pursue a workers' compensation claim against the workers' compensation insurance company for your employer. Because you fell on your employer's premises—the parking lot—your injury is treated as a workers' compensation case even though you were not actually working when you fell. As a result, your medical treatment will be directed and paid by the Employer's workers' compensation insurance company. However, after the initial hospital visit, you cannot go to a doctor of your choice; the medical provider must be authorized by the workers' compensation insurance company.

Because you will be unable to work for several weeks, the workers' compensation insurance company will pay you temporary disability at the rate of 70% of your gross weekly salary until you are cleared by the company doctor to return to work. To be eligible for temporary disability you must be unable to work for at least seven days. Also, based upon the severity of your injuries (broken ankle and wrists) you also have the right to file a claim petition in workers' compensation court in the County where you live. A judge assigned to your case will ultimately award you some type of monetary award for the injuries that you sustained.

If you work in a building with multiple tenants or businesses and your employer does not own the parking lot or the entire property then you will most likely not be able to pursue a workers' compensation claim because you did not fall on company premises when you were injured. Under these circumstances you may pursue a personal injury case against the owner of the property for having a negligent condition (cracked pavement) in the parking lot. Your medical bills would be paid by your health insurance so you can go to any medical provider under your plan. If you do not have health insurance the insurance company for the owner of the property may pay some of your bills but you may have to wait until the end of any personal injury lawsuit for your bills to get paid. If you are unable to work then you have the right to file for short term disability if your employer provides private disability insurance or you can file for New Jersey State Temporary Disability benefits if your doctor states that you cannot work for a period of time.

The answer to your question is dependent on the facts. You should consult with a workers' compensation attorney and/or a personal injury attorney to help you determine your rights and determine what, if any, type of case to pursue.

“Ask the Attorney” is a blog in which answers to your legal questions submitted to asktheattorney@einhornlawyers.com may be answered. The answers to the questions are for informational purposes only and are not to be construed as legal advice or the creation of an attorney-client relationship. The facts of each case is different, therefore you should seek competent legal representation.