



# Injury and Illness Resource Guide for clients

*Making your client aware of resources and benefits outside the civil justice system.*



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Attorneys representing injured plaintiffs know too well the devastating impact a catastrophic injury has on an individual. Worse is the frustration and difficulty in locating resources available to your client outside of the ultimate financial recovery in your case. Too frequently, clients whose injuries take them out of the workforce become despondent over their seemingly hopeless situation. The depressing and demoralizing effect of not having a reliable source of income can lead to depression, substance abuse, or worse self-destructive behaviors. These not only have a detrimental effect on your client's well being, but can also torpedo his or her case – either giving the defense strong arguments that your client failed to mitigate damages, or injecting drug or substance abuse problems into the case via the defense doctor's diagnosis and prognosis.

At our firm, it has long been our philosophy to take a holistic approach. Helping the client obtain benefits and resources can help keep your client from sinking too low, can keep a family intact, and ultimately benefits the client's life before, during and after the lawsuit. With this philosophy in mind, we compiled a client guide to benefits and resources available to help the ill and injured, regardless of whether they have a civil case. Below are excerpts from the guide. Free copies of the full guide are available from our firm.

### **Hurt on the job**

If you were hurt on the job, you are entitled to workers' compensation benefits. You are entitled to receive disability benefits and other monies, if you are

disabled from performing your job in any way. Medical expenses will also be paid, and you will receive some money for job retraining. If you are injured at work, report your injury to your employer immediately. And, you should obtain the advice of an attorney with experience in workers' compensation.

(A diligent personal injury attorney will work closely with the workers' compensation attorney, thus maximizing both personal injury and workers' compensation recoveries. Recognizing the importance of these relationships, our firm will also protect the workers' compensation attorneys' fees and assist in the subsequent workers' compensation credit trial. The coordination of these efforts allows your client to maximize benefits available from the two actions.)

### **Hurt on the job but no insurance**

If you are hurt on the job and your employer has no workers' compensation insurance, you still have valuable rights. You may obtain workers' compensation benefits from the California Uninsured Employers' Fund. Also, you may be able to sue your employer for personal injuries. It is very important to immediately obtain legal advice from a qualified attorney. For information as to how to file a claim with the Uninsured Employers' Fund, visit <http://www.dir.ca.gov/dwc/IWguides/IWguide16.pdf>.

### **Crime victim compensation**

If you were injured as a result of a violent crime, you may be able to obtain money for help with medical bills, compensation for lost income, and reimbursement for therapy costs for you and your family. The fund also provides benefits for job retraining and when needed,



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funeral and burial expenses. To apply for compensation, you must submit a claim within one year of the crime. For more information, see the California Attorney General's Web site at <http://www.ag.ca.gov/publications/victimshandbk/cvcomp.htm>.

### Help with unpaid bills

If you have an active personal injury or workers' compensation case, you may be able to delay payment by giving the person to whom you owe money a legal commitment to pay when your case is over. This is called a "lien" and costs you nothing until the case is resolved. The attorney handling your case will help with the documents needed to protect your interests. These documents protect your medical team, your landlord and anyone else who advances you money or care.

### CalWORKS - Financial assistance and job opportunities

If you are disabled and meet income requirements, the CalWORKS program may provide you with financial assistance and employment opportunities. Cash assistance is limited to 60 months total in a lifetime for most adults, and you may be required to participate in an employment services program in order to be eligible. For more information on CalWORKS, visit [www.dss.cahwnet.gov/CDSSWEB/PG85.htm](http://www.dss.cahwnet.gov/CDSSWEB/PG85.htm).

### Temporary continuation of group health insurance - COBRA

If you lose your job, most group health plans must allow you to temporarily continue your group health insurance. For information on COBRA, see the U.S. Department of Labor's Web site at <http://www.dol.gov/dol/topic/health-plans/cobra.htm>.

### Food stamps

If you have a low income, whether or not you were injured or disabled, you may be eligible for food stamp benefits, which average \$200 per month

per household. For more information on California's Food Stamp program, see the California Department of Social Services Web site at <http://www.dss.cahwnet.gov/foodstamps/default.htm>.

### Foreclosure assistance

If you are in danger of losing your home to foreclosure, the federal government has a program to help homeowners who are trying to keep their homes and are making good faith efforts to do so. For more information on the program, see the U.S. Department of Treasury's Web site at <http://financialstability.gov/makinghomeaffordable/>.

### San Francisco health care

"Healthy San Francisco" is a new program created by the City of San Francisco to provide affordable health care to San Francisco residents. It is available to all San Franciscans without regard to immigration, employment or pre-existing medical condition status. You will be eligible if your income is below \$52,000 personally or less than \$106,000 a year for a family of four. For more information about Healthy San Francisco, see the program's Web site at <http://www.healthysanfrancisco.org/>.

### Low-income medical care in San Francisco

The San Francisco Free Clinic provides free medical care to the uninsured. It can be reached at (415) 750-9894 from 1:00 to 4:30 p.m. daily. San Francisco General Hospital also provides a wide range of important medical services to everyone in San Francisco, regardless of their ability to pay. To learn more, call (415) 206-8000.

### State of California

#### Medi-Cal

Medi-Cal is a public health insurance program that provides health-care services for low-income individuals, including families with children, seniors, persons with disabilities, pregnant

women, and low-income individuals with specific diseases. For more information, see the California Department of Health Care Services Web site at <http://www.dhcs.ca.gov/services/medi-cal/Pages/MCIndividual.aspx>.

#### Disability Insurance

If you are out of work due to a non-industrial injury or illness, you may be entitled to disability insurance. Disability insurance provides partial wage replacement to eligible workers who are unable to work because of a disability. A disability is any mental or physical illness or injury that prevents you from performing your regular or customary work. For more information, visit <http://www.edd.ca.gov/Disability/>.

#### Unemployment benefits

Unemployment benefits: If you have lost your job through no fault of your own, you are entitled to unemployment benefits. You must be able to work and must be looking for work. The amount of benefits available is based on your former earnings. For more information, visit <http://www.edd.ca.gov/Unemployment/>.

### Federal Social Security benefits

#### Medicare

Medicare is the U.S. government's health-insurance program for people age 65 or older. It is also available to individuals who are determined to be totally temporarily or permanently disabled by the Social Security Administration, and Medicare benefits may be provided to them one year after the date in which Social Security rules that their disability began. For more information visit <http://www.medicare.gov/>.

#### Death benefits

If a family member dies, certain members of the family may be eligible for survivors' benefits. For more information, visit <http://www.socialsecurity.gov/>.

#### Disability benefits

You may be entitled to Social Security disability benefits even if you are re-



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ceiving workers' compensation benefits. You must be disabled from all work with a condition expected to last one year or more or result in death. Although benefits are only paid after you have been disabled for a period of time, it often takes five months or more to process your application. To learn more about applying for benefits, visit <http://www.edd.ca.gov/Disability/>.

**Retirement benefits**

The federal Social Security program pays benefits to retired workers and their families. To be eligible for Social Security retirement benefits, an individual must be at least 62 years old, have worked, paid Social Security taxes, earned at least 40 credits (10 years of work), and apply. To learn more, visit

[www.socialsecurity.gov](http://www.socialsecurity.gov) and type "retirement benefits" in the search box.

**Supplemental Social Security Income benefits**

Even if you or your spouse have no income history and are elderly, blind or disabled, you may be entitled to federal supplemental Social Security assistance. This program provides cash for basic needs like food, clothing and shelter. For more information or to make a claim, visit <http://www.ssa.gov/ssi/>.

With great appreciation we salute James G. Butler, Jr. for his inspiration, input and authorship of *The Injured Worker Survival Guide*, published 1989-1995.

For free copies of the current Injury and Illness Resource Guide, please con-

tact Anthony Label or Bill Veen at the Veen Firm, P.C. (415) 673-4800.

*Anthony Label is a co-team leader of the Label Vallejo trial team at the Veen Firm in San Francisco. Anthony's practice emphasizes aggressive and compassionate advocacy for catastrophically injured plaintiffs. Anthony lives in San Francisco, California with his wife and children.*

*William Veen founded The Veen Firm as a sole practitioner in 1975, gradually developing it into a firm of talented attorneys and staff who represent severely-injured workers and consumers. He is a member of the American Board of Trial Advocates and he was honored as the Trial Lawyer of the Year by the San Francisco Trial Lawyers Association in 2003.*

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