



|| Best Practices: How to Investigate an Employee's Alleged Work Injury

Employees who claim they sustained an injury while at work usually report the incident immediately. This prompts the employer to submit the worker's claim to their insurance carrier or third-party administrator.

During this process, it is a best practice for employers to thoroughly investigate an injured employee's claim as soon as possible. In order to conduct the most thorough investigation possible, we created two lists designed for employers, insurance adjusters, and claims analysts to utilize.

GATHERING INFORMATION FROM WORKERS

- What specifically is the worker alleging?
- Was the injury witnessed and if so by whom?
- When did the worker report the injury, and to whom did they report it?
- Did the worker seek treatment? If so when, where, and with whom?
- Did the worker continue to work following the injury? Did they finish their shift? Did they return the following day? When did they last work?
- Does the worker have any current restrictions?
- Was the worker working with any restrictions at the time of the alleged injury?
- Has the worker ever had any prior injury to the affected body part or treated for similar complaints? If so, when did they treat and with whom?
- What are the names of the worker's current and past primary care physicians?
- Did the worker have any other employment at the time of injury?
- Has the worker made any claims for benefits against any other entities related to the alleged injury?
- Is the worker collecting unemployment benefits or disability benefits through an insurance policy?
- Does the worker have Medicaid? Are they a Social Security Disability recipient or have they applied? If so, when did they first begin receiving Social Security Disability benefits?



OTHER INFORMATION TO DOCUMENT

- When was the worker hired?
- Was the alleged injury witnessed? Are there any injury reports or witness statements?
- Were there any cameras in the area that could have captured the event? If so, request copies of the footage.
- Did the worker undergo a pre-employment physical? Did they require regular certifications for fitness-for-duty?
- What is the worker's job description?
- Did the worker ever complain of a work injury in the past?
- Did the worker ever make similar complaints in the past?
- Did the worker provide a restriction slip following the injury?
- What was the worker attendance record immediately before and after the time of injury?
- When did the worker last work?
- Are there any third parties potentially at fault or third-party claims that you are aware of?

These lists are not designed to be exhaustive. Please feel free to supplement your own investigatory questions with questions from these lists!

If you have any questions about investigating a claim, or any questions whatsoever, our workers' compensation defense attorneys are here to assist.

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