

NC WORKERS' COMPENSATION

SIMPLIFIED



2nd Edition

A FREE PLAIN-LANGUAGE GUIDE
FOR INJURED WORKERS IN NORTH CAROLINA

— WHAT YOU NEED TO KNOW • BEFORE YOU SIGN ANYTHING —

M. REID ACREE, JR.

— *Attorney at Law* —

Board Certified Specialist • Workers' Compensation • North Carolina State Bar

704-633-0860 • acreelaw.com • Salisbury, North Carolina

LionsEdge Publishing

© 2026 Reid Acree

THE BORING VERSION: All Rights Reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law.

You Have Permission to Pass This Book On, In Its Entirety, To Everyone You Know.

THE FUN VERSION: The boring lawyer didn't like my fun version. His direct quote was "blah, blah, blah, blah and blah."

If you would like a copy of this book in a different format, please email the LionsEdge support team with the Subject: Different Book Format

LionsEdge Publishing

support@lionsedge.io

What is in this Book

Table of Contents

ABOUT THE AUTHOR	7
Background & Credentials	8
A Focus on Occupational Disease	10
A Commitment to Communication	10
About Acree Law Firm	11
A NOTE TO THE READER	11
What This Book Is	12
What This Book Is Not	13
A Word About the System You're In	13
HOW TO USE THIS BOOK	14
CHAPTER 1	21
NC Workers' Compensation Law - What the Heck Is It?	21
Medical Benefits	23
Lost Wages, Known as "Temporary Total Disability" (TTD) Benefits	24
Permanent Partial Disability Rating	26
Organ Damage Benefits	27
.....	27
500 Weeks of Death Benefits	28
.....	28
All Care and Benefits Fit into One of These "Three Doors"	29
So, What's Not Behind the Three Doors?	29
Brief History of Workers' Comp	30
CHAPTER 2	34
Was My Injury Covered? Understanding Compensability in NC	34
The Three Requirements: Do You Qualify?	35
Which Employers Are Required to Carry Workers' Comp Insurance?	39
Who Is Exempt From Workers' Compensation?	39
What Types of Injuries Are Covered?	40

What If I Had a Pre-Existing Condition?	42
What If the Accident Was Partly My Fault?	43
The 7-Day Waiting Period: When Benefits Actually Start	44
The Fast Eligibility Checklist	44
What to Do Right Now	45
CHAPTER 3	47
The Clock Is Ticking: Deadlines, Reporting & Mistakes That Kill Claims	47
The Three Critical Deadlines	48
Evidence: What to Preserve from Day One	53
The Claims Adjuster: Who They Are and What They Want	55
The Mistakes That Kill Claims	57
Where to Start Right Now	59
CHAPTER 4	61
You Were Injured at Work. Now What?	61
The 5 Steps to Take After a Workplace Injury	62
Different Injuries, Same 5 Steps—With a Few Wrinkles	69
Your Employer’s Legal Obligations When You Are Injured	70
What If You Cannot Return to Your Old Job?	72
CHAPTER 5	74
The NC Industrial Commission: Who They Are and Why It Matters	74
What Is the NC Industrial Commission?	75
What the NCIC Does—And What It Doesn’t	77
How a Claim Moves Through the System	79
The Appeals Process: When the System Disputes Your Claim	80
Form 33: Requesting a Hearing	81
The NCIC Forms You Need to Know	82
Who Actually Pays Your Benefits?	84
Mediation: The First Stop Before a Hearing	85
CHAPTER 6	88
Medical Treatment, IMEs, and the Doctor Game	88
Who Controls Your Medical Care?	89
The Independent Medical Examination: The Doctor Who Works for Them	91
Your Rights During an IME	93
Surgery: Authorization, Refusal, and Settlement Impact	94

Maximum Medical Improvement: The Most Important Milestone	96
Protecting Yourself Throughout Medical Treatment	97
Choosing the Right Doctor When You Can	99
CHAPTER 7	101
Wage Replacement Benefits: TTD, TPD, PPD, PTD and What You're Actually Owed	101
The Four Types of Workers' Comp Wage Replacement Benefits	102
Calculating Your TTD Benefits: Step by Step	104
Permanent Partial Disability: What Your Body Part Is Worth	106
The 500-Week Cap and Permanent Total Disability	108
Pain and Suffering: The Honest Answer	109
How Workers' Comp Settlements Are Calculated	110
The Maximum Settlement: What North Carolina Law Allows	112
CHAPTER 8	115
When They Fight Back: Denials, Delays, Retaliation & Appeals	115
Why Claims Get Denied—And What to Do When Yours Is	116
Benefit Delays and Cutoffs: The Other Way Insurers Fight	119
Retaliation: When Your Employer Crosses the Line	121
What You Can Do If You Experience Retaliation	122
Working While on Workers' Comp: What the Rules Actually Are	123
What Happens If You Quit Your Job?	124
Can You Sue Your Employer?	125
Do All Workers' Comp Cases End in Settlement?	126
CHAPTER 9	128
Settlements: What to Know Before You Sign Anything	128
The Three Types of Workers' Comp Settlements in NC	129
The Settlement Timeline: When to Settle and When to Wait	130
The Single Most Important Rule: Wait for MMI	131
What Goes Into the Settlement Calculation	132
Does Surgery Increase My Settlement Value?	134
Red Flags: When to Be Suspicious of a Settlement Offer	134
How to Maximize Your Settlement Value	136
After You Settle: What Happens Next	138
What About Taxes?	140
When Settlement Is Not the Right Answer	140

CHAPTER 10	142
Occupational Disease: When Your Work Makes You Sick	142
What Is an Occupational Disease?	143
Common Occupational Diseases Covered in NC	144
Mesothelioma and Asbestos-Related Claims	146
Secondary Exposure	148
Chemical Exposure and Toxic Workplace Injuries	149
Why Occupational Disease Cases Are Different — And Why Experience Matters	151
How to File an Occupational Disease Claim in NC	153
CHAPTER 11	156
Hiring a Workers' Comp Attorney: When, Why, and What It Actually Costs	156
Do You Actually Need a Workers' Comp Attorney?	157
What a Workers' Comp Attorney Actually Does for You	159
What Does It Cost to Hire a Workers' Comp Attorney?	161
Are There Other Costs?	161
How to Choose the Right Attorney — And Avoid the Wrong One	162
What Does “Board Certified” Mean?	163
How to Prepare for Your Free Consultation	163
About Reid Acree — Why Experience Matters	165
CHAPTER 12	169
Real Stories: What Clients Say About Working With Reid Acree	169
When Everyone Else Said No	169
The Fight That Made All the Difference	171
Patience, Trust, and a Partner Through the Process	173
The Attorney Who Shows Up as a Human Being	175
What Fellow Attorneys Say	177
CHAPTER 13	180
Frequently Asked Questions	180
Plain Answers to the Questions Injured Workers Ask Most	180
Getting Started: The Basics	180
Your Benefits: What You're Entitled To	182
Medical Treatment: Who Controls It and What You Must Do	184
When Things Go Wrong: Denials, Delays, and Retaliation	185
Settlements: When and How to Settle Your Claim	187

Working With an Attorney	189
QUICK REFERENCE GUIDE	191
NC Workers' Compensation — Checklists & Timelines	191
Critical Deadlines at a Glance	191
GLOSSARY OF KEY TERMS	199
Plain-Language Definitions for NC Workers' Compensation	199
NC INDUSTRIAL COMMISSION RESOURCES	206
Key Contacts, Forms & Where to Get Help	206
Key NCIC Forms Reference	207
Appeals Process — Where to File	208
ABOUT ACREE LAW FIRM	209
Acree Law Firm	209
<i>M. Reid Acree, Jr., Attorney at Law, P.A.</i>	209
What We Handle	210

ABOUT THE AUTHOR

M. Reid Acree, Jr.

Attorney at Law

Board Certified Specialist — Workers' Compensation Law

North Carolina State Bar



Reid Acree – The Defender of the People



“Reid is an excellent attorney with knowledge and experience. Our case was complicated, and Reid kept our best interest in mind at all times. Very satisfied with the outcome. I STRONGLY recommend Reid Acree.”

— Cassie S. — Google Review

Reid Acree has spent nearly thirty years doing one thing: fighting for injured workers in North Carolina. Not dabbling in workers' compensation between other practice areas. Not handling the occasional workplace injury claim. Workers' compensation, exclusively, deeply, and with a level of commitment that shows in every case he takes.

That focus is not accidental. It is a deliberate choice rooted in a conviction that injured workers deserve an advocate who truly knows the system, its procedures, its decision-makers, its tendencies, and its leverage points. Generalists can handle straightforward claims. The cases that matter most, the ones with the highest stakes and the most resistance from insurers, require a board certified specialist.

Background & Credentials

Reid received both his undergraduate degree, cum laude, and his law degree from Wake Forest University. (Member of the Law Review, Moot Court Board and Student Honor Council). He has been licensed to practice law in North Carolina since 1994, admitted to the North Carolina State Bar, the South Carolina State Bar, the State Bar of Georgia (inactive) and the United States Supreme Court.

Credentials at a Glance

Board Certified Specialist: Workers' Compensation Law — by the NC State Bar. Fewer than 250 attorneys in all of North Carolina hold this distinction. Less than 115 claimant's attorneys do.

27+ Years of Practice: Nearly three decades representing injured workers in North Carolina courts and before the NC Industrial Commission.

NC State Bar Certified Mediator: Certified through the NC State Bar's Dispute Resolution Commission. Understands what drives settlements from both sides of the table.

~150 Formal NCIC Proceedings: Approximately 150 cases heard before the NC Industrial Commission and the NC Court of Appeals.

Peer Reviewed: Rated "AV," preeminent in legal ability and very ethical by fellow attorneys and judges by Martindale-Hubbell. Regularly consulted by other workers' comp attorneys on complex occupational disease claims.

NC Association of Educators: Served as the go-to workers' compensation attorney

for the NCAE — representing the largest professional organization in the state.

A Focus on Occupational Disease

Among his peers in the North Carolina workers' compensation bar, Reid is recognized as one of the state's foremost experts in occupational disease, an area that many attorneys avoid because of its complexity and the intensity with which insurers fight these claims.

His occupational disease cases have involved cancer including mesothelioma, asbestosis, silicosis, hearing loss, lung disease from industrial and tobacco dust exposure, and a range of chemical and toxic substance exposures. He has successfully litigated claims that were denied, appealed, and resolved at levels far above what insurers initially offered.

A Commitment to Communication

Reid's clients consistently describe two things: he fights hard and he keeps you informed. In a legal system that can feel opaque and impersonal, Reid makes a point of explaining every step, answering every question, and treating every client as an individual, not a case number.

That approach has a practical purpose. Informed clients make better decisions. They document their treatment correctly. They avoid the mistakes that give insurers ammunition. They understand the value of patience at the moments when patience is most important.

“This is YOUR case, not mine. I'm just your advocate through the process.” That is something Reid says to every client at the start of every case. He means it.

About Acree Law Firm

Acree Law Firm is located in Salisbury, North Carolina. Reid and his wife Tina have built the firm around a simple principle: injured workers deserve the same quality legal representation that employers and insurance companies have. The firm handles workers' compensation claims throughout North Carolina.

The office is located at 225 North Main Street, Suite 402, Salisbury, NC 28144. (Directly across the street from the Rowan County Court House). Consultations are free. The phone number is 704-633-0860. The website is acreelaw.com.

★★★★★

“Attorneys often get a bad rap. But in the short time I’ve known Reid, I’ve found him to be honest, competent, and compassionate. A good attorney... and a good human.”

— Lynn H. — Google Review

A NOTE TO THE READER

Before you read anything else in this book, please read this first.

If you are holding this book, something has probably gone wrong.

You were hurt at work. Or someone you love was. And now, on top of the pain, the missed work, the medical appointments, and the financial pressure, you are supposed to figure out a legal system that was not designed to be easy to understand.

You are probably scared. You may feel overwhelmed. You may have already received a denial letter or been told by someone at work that your claim “does not qualify.” You may have been pressured by the boss not to file at all. You may be wondering whether you did something wrong, whether you deserve help, or whether there is any point in fighting.

This book exists to answer those questions.

You Did Not Cause This.

Workplace injuries are not the result of workers being careless or weak. They happen because work is physical, demanding, and sometimes dangerous — and because employers and insurers do not always prioritize safety or fairness when money is involved. If you were hurt on the job, you have legal rights.

What This Book Is

NC Workers' Compensation Simplified is a plain-language guide to the North Carolina workers' compensation system. It is written for injured workers and their families, people who have never navigated this process before and who need clear, honest information to make good decisions.

This book explains how the system works, what benefits are available, what mistakes can cost you, what insurance companies do when they fight back, and

when and how an attorney can help. It does not use legal jargon. It does not assume any prior knowledge. It is written for you.

What This Book Is Not

This book is not a substitute for legal advice. It is general information about how North Carolina's workers' compensation system works. Your specific situation, your injury, your employer, your insurer, your timeline, may involve facts that change the analysis in ways this book cannot address.

If you are dealing with a denied claim, a benefit dispute, a permanent injury, or an employer who is fighting back, please do not rely on this book alone. Call a board certified workers' compensation attorney. Call Reid Acree at 704-633-0860. The consultation is free and the conversation is honest.

A Word About the System You're In

The North Carolina workers' compensation system is adversarial by design. Your employer and their insurance company have experienced adjusters and defense lawyers working to minimize what they pay from the moment a claim is filed. The NC Industrial Commission processes thousands of claims each year. The system does not slow down for people who do not know their rights.

Statistics from the NC Industrial Commission show that injured workers who hire attorneys consistently receive better outcomes than those who do not. That is not a coincidence. It is the predictable result of a system in which one side has professional expertise and the other does not.

This book is an attempt to give you the information side of that equation. It will not replace the legal advice of an experienced attorney. But it will help you understand what is happening, ask better questions, avoid the most common mistakes, and make informed decisions every step of the way.

One More Thing

The reviews scattered throughout this book are real. They were written voluntarily by real clients who went through the same system you are facing now. They made it through. So can you.

**To every injured worker who picks up
this book:**

You deserve honest information. You deserve fair treatment. And you deserve an advocate who fights for you with everything the law allows. That is what this book — and this firm — are here to provide.

— M. Reid Acree, Jr.

HOW TO USE THIS BOOK

You don't have to read it cover to cover. Find where you are. Start there.

This book was written to be useful at every stage of a workers' compensation claim, from the day of your injury through final settlement. Depending on where you are in that process, different chapters will be most relevant to you right now.

Your Situation	Start Here	Then Read
Just injured — happened today or this week	Chapter 3 (Deadlines) Chapter 4 (What to Do Now)	Chapter 2 (Was It Covered?) Chapter 6 (Medical)
Claim filed — waiting on decision	Chapter 2 (Compensability) Chapter 5 (The NCIC)	Chapter 6 (Medical) Chapter 7 (Benefits)
Claim denied — received a denial letter	Chapter 8 (Denials & Appeals)	Chapter 11 (Hire an Attorney) Chapter 5 (The NCIC)
On workers' comp — receiving benefits	Chapter 6 (Medical) Chapter 7 (Wage Replacement)	Chapter 9 (Settlements) Chapter 8 (Disputes)
Reached MMI — ready to think about settlement	Chapter 9 (Settlements)	Chapter 11 (Hire an Attorney)
Occupational disease or long-term illness	Chapter 10 (Occupational Disease)	Chapter 8 (Appeals) Chapter 11 (Hire an Attorney)
Researching attorneys — comparing options	Chapter 11 (Hire an Attorney)	Chapter 13 (FAQ)

	Chapter 12 (Real Stories)	
Just want to understand the system	Start at Chapter 1 and read straight through	Everything applies at some point

The Chapter Roadmap

Chapter 1 — NC Workers' Comp Law — What the Heck Is It?

The foundation. What the system is, who it covers, and why it exists. If you are entirely new to workers' comp, start here.

Chapter 2 — Was My Injury Covered?

Compensability — the legal test your claim must meet. Employees vs. contractors, coming and going, pre-existing conditions, and the 7-day waiting period.

Chapter 3 — The Clock Is Ticking

Deadlines that can end your claim if missed. The 30-day reporting rule, the 2-year statute of limitations, and the mistakes that kill claims.

Chapter 4 — You Were Injured. Now What?

The immediate action steps after a workplace injury. What to do, what to say, and what not to say.

Chapter 5 — The NC Industrial Commission

Who runs the system, how it works, and the forms and processes you will encounter.

Chapter 6 — Medical Treatment

Employer-directed care, IMEs, and how to navigate the doctor-patient relationship in a workers' comp case.

Chapter 7 — Wage Replacement Benefits

TTD, TPD, PPD, and PTD — the four types of benefits, how they are calculated, and how long they last.

Chapter 8 — When They Fight Back

Denials, delays, retaliation, and appeals. What to do when the insurance company pushes back.

Chapter 9 — Settlements

Types of settlements, timing, red flags, and how to maximize your settlement value.

Chapter 10 — Occupational Disease

Cancers including mesothelioma, asbestos exposure, chemical injuries, and how OD claims differ from traumatic injury claims.

Chapter 11 — Hiring a Workers' Comp Attorney

When you need one, what to look for, what it costs, and how to find a good one.

Chapter 12 — Real Stories

A collection of client reviews — real people, real cases, real outcomes.

Chapter 13 — Frequently Asked Questions

30+ plain-language answers to the questions injured workers ask most.

Back Matter — Quick Reference, Glossary & Resources

Checklists, key terms, NCIC contact information, and how to reach Acree Law Firm.

A Few Tips for Getting the Most from This Book

- Take notes as you read. Every chapter has action items. Write down dates, names, and deadlines that apply to your situation.
- Use the placeholders as prompts. Chapters reference [IMAGE] placeholders for visuals. When you see a checklist or timeline mentioned, that is your cue to look for that information in the chapter.
- Read the callout boxes. The colored boxes throughout the book highlight the most important warnings, legal rules, and practical tips. Do not skip them.
- The FAQ chapter (Chapter 13) is a quick reference. If you have a specific question, check there first. Detailed answers with NC-specific context are organized by topic.
- The Quick Reference Guide at the back of the book has the key checklists and timelines in one place. Use it when you need fast answers.
- When in doubt, call. No book covers everything. If your situation raises questions this book does not answer, call Acree Law Firm at 704-633-0860. The consultation is free.

**This book is a starting point. Your call is
the next step.**

**Acree Law Firm · 704-633-0860 ·
acreelaw.com · 225 N. Main Street, Suite
402, Salisbury, NC 28144**

CHAPTER 1

NC Workers' Compensation Law - What the Heck Is It?

★★★★★

"I would not have known any of the ins and outs of this whole process without Reid. He treats you like an old friend and will represent you like that. I highly recommend."

— T. Smith — Google Review ★★★★★



The way I explain NC workers' compensation law is that I compare it to the game show "Let's Make a Deal." (I'm not making light of a worker's injuries and

it's not fun and games, but the show offers a great illustration for understanding NC workers' comp.)

Let's Make a Deal. I always loved that show as a kid and would watch as the hostess Carol Merrill stood on stage and pointed to prize doors numbered 1, 2 and 3. The game show host Monty Hall would invite folks to come down from the audience, wearing a clown outfit or dressed like a box of Tide or a banana. Remember? Monty would get to know the contestants a bit and ask them to pick a door to win the prize behind that door. But after the contestant picked and before the door was opened, Monty would present the box on a stand and ask if the contestant wanted to choose the box instead. (Well, I never wanted the contestant to pick the box because it usually contained a diamond ring, and as a 12-year-old boy, I didn't have much use for one of those.)

In the game show, you could only keep what was behind one door and if you picked correctly you won. If not, you lost. So, if you picked the ski boat, you won; if you picked the trip to Hawaii, you won; and if you picked the can of spam, you lost.

Think of North Carolina workers' compensation benefits as being behind three doors.

The **first door** is medical care, anything and everything that's medically necessary to affect a cure or lessen a period of disability.

The **second door** is lost wages, paid at two-thirds of the injured worker's average weekly wage.

The **third door** is for a permanent partial disability rating to the injured part of the body. A disability rating typically only applies if there is an orthopedic injury. If the injury is one to an organ, then that third door would be for the value of "loss or damage to an important internal or external organ."

If, sadly enough, the case involves a death, then the worker's next of kin can get 500 weeks of death benefits, but more on that later.

The beauty of our so-called game show of “Let’s Make a Deal for NC Workers’ Compensation benefits” is that you get to **pick** the benefits behind all three doors and you get to **keep** the benefits behind all three doors.

So, let’s discuss each of these three categories of benefits.

DOOR 1	DOOR 2	DOOR 3
Medical Care	Lost Wages (TTD)	Disability Rating
All medically necessary treatment paid at no cost to you.	2/3 of your average weekly wage, tax-free, while unable to work.	A permanent rating for the injured body part, or organ damage benefits.



Medical Benefits

Medical benefits are paid at no cost to you. They are “first dollar benefits,” meaning that you DO NOT pay any deductibles, co-pays, or out-of-pocket expenses. Medical benefits include everything from doctors’ visits, diagnostic testing such as MRIs or CT scans, prescription medications, crutches, braces, physical therapy, injections, surgery, postsurgical care, additional physical therapy, continued office visits with the specialist, and again, anything that is “reasonably necessary to affect a cure or lessen a period of disability.” Medical benefits could include an orthopedic bed, an orthopedic seat, a YMCA membership for water therapy, and the like. Any medical condition that “flows from the original injury” should be considered compensable and therefore,

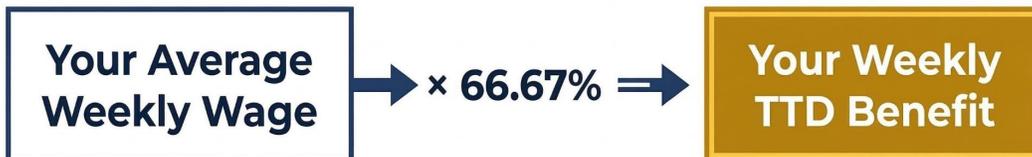
medical care for that condition should also be paid. (This, of course, can get complicated regarding proof of causation issues.)

Lost Wages, Known as “Temporary Total Disability” (TTD) Benefits

Door number two concerns lost wages. Workers’ compensation premiums are calculated based on a percentage of payroll; therefore, the wage benefits available to the injured worker are calculated at two-thirds of the average weekly wage the worker was earning prior to the injury. Using simple math, if the worker is earning \$900 per week, then the two-thirds “comp rate” is \$600, and his or her weekly TTD check should be \$600.

One of the advantages of workers’ compensation benefits is that the two-thirds weekly TTD is a tax-free benefit. Generally, most folks pay one-third of their income in taxes, so this should work out to where the injured worker is receiving about the same take-home pay.

How Your Weekly Workers’ Comp Check Is Calculated



Example:

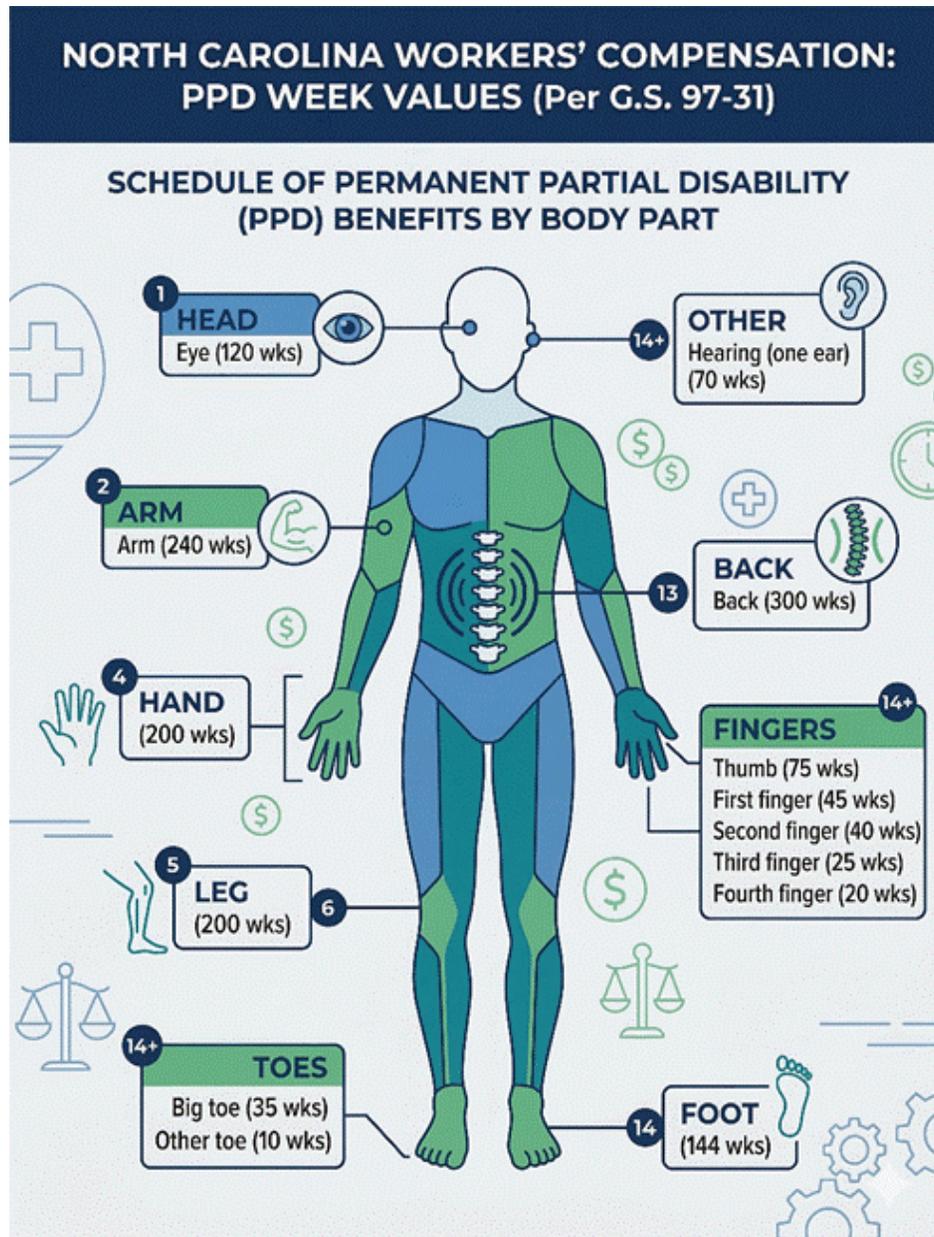
\$900 per week × 66.67% = \$600 per week (tax-free)

2026 Maximum TTD Rate: \$1,446 per week

2025 Update — Maximum Weekly TTD Rate

As of January 1, 2026, the maximum weekly TTD benefit in North Carolina is \$1,446 per week. This cap applies to injuries occurring on or after that date. The 66.67% formula still applies, if your two-thirds rate falls below \$1,446, that is your benefit amount.

Benefits used to be paid for a lifetime, but in 2011 the North Carolina legislature limited TTD payments to 500 weeks, unless it is a catastrophic loss or unless the worker's attorney can prove, within a certain time prior to the end of the 500th week, that the worker has a total loss of wage-earning capacity. (It's very complicated, remember, this is workers' compensation simplified.)



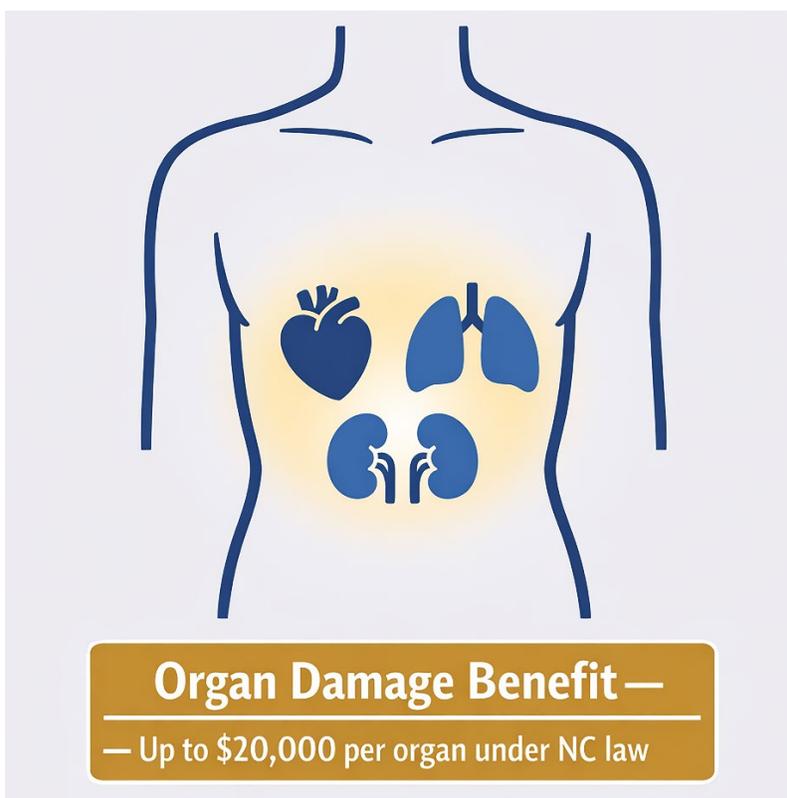
Permanent Partial Disability Rating

Door number three is the permanent partial disability (“PPD”) rating. This may sound harsh, but each “orthopedic” body part has a certain number of weeks assigned to it for a “complete loss.” For example, the back is 300 weeks; the leg is 200 weeks; the foot (or below the knee) is 144 weeks; the arm (above the elbow) is 240 weeks; and the hand is 200 weeks. There are also ratings for fingers, which I shall not go into here. Under the North Carolina Rating Guide,

there is supposed to be an automatic 10% PPD awarded due to the invasion of a joint space during surgery. Unfortunately, many doctors feel that their care is so good, or they are so beholden to insurance carriers, that they do not correctly assign PPD ratings. There is a whole other ball of yarn about rules and issues concerning second opinions about the value of the rating and what, if any, additional treatment is necessary. Again, this is a summary. If you have further questions, call Reid.

Typically, the injured worker cannot collect both ongoing weekly wage loss under door number two AND receive payment for the PPD rating “behind door number three.” Instead, the law says that the worker gets the more munificent, or greater, remedy. So, for example, if the PPD rating is worth \$18,000 and it looks like the worker is going to be out of work for a year and a half, paid at \$600 per week, then the value of that 76 weeks of TTD would be \$45,600. That value is obviously worth more than the \$18,000 rating. (One of the biggest pitfalls facing injured workers is that an adjuster will try to settle the case in its entirety for the value of the PPD rating—don’t let that happen to you.)

Organ Damage Benefits



Also, under door three is a discretionary award of up to \$20,000 for loss or damage to an important internal or external organ. Yes, for us men out there, the statute does say “external organ.” This may sound crude, but the statute does allow for recovery of up to \$20,000 for a damaged organ. One well-known attorney was able to combine the value of multiple internal organs, valued at up to \$20,000 each, for a much greater recovery to the injured worker than his ongoing wage loss. Unbelievably, under the statute, the brain is valued at the same amount as the spleen or gallbladder. (Of course, if the brain is significantly damaged, then you’re not going to be looking at organ damage benefits but instead, ongoing wage loss.)

500 Weeks of Death Benefits

Death Benefits Under NC Workers' Compensation



Example: $\$900/\text{week} \times 66.67\% = \$600/\text{week} \times 500 \text{ weeks} = \$300,000$

Benefits paid to widow/widower are not converted to present value.

Under the Act, the next of kin of a deceased worker can receive 500 weeks of benefits at that two-thirds comp rate. So, if a death occurs and it is proven to

be compensable under the Workers' Compensation Act, and the worker was earning \$900 per week (such that the two-thirds comp rate is \$600 per week), then \$600 multiplied by 500 weeks is \$300,000. If the benefits are paid to a widow or widower, they are not converted to present value. If the benefits go to next of kin such as children, the benefits are converted to present value.

All Care and Benefits Fit into One of These “Three Doors”

Most every type of benefit can reasonably be understood by placing it in one of those three “doors.” Additional examples would be funeral expense benefits of up to \$10,000, attendant care benefits (to provide care for a loved one during an illness), mileage reimbursement benefits (to and from doctors' offices), reimbursement for out-of-pocket prescription drugs during a period of inability to obtain prescribed medicines, medical equipment, a 10% penalty available for a willful violation of a safety statute, and again, anything that can be proven to be reasonably necessary to help a person heal or lessen their period of disability.



So, What's Not Behind the Three Doors?

When I meet with injured workers and their families, I draw out the three doors of “Let's Make a Deal.” I show them the medical care column, the lost wage column, and the permanent partial disability column. I ask them to look and see what is NOT on the page. Some folks get it. Most folks don't. I then mention that pain and suffering, loss of enjoyment of life, emotional distress, and punitive damages are not on the list of available benefits. Most folks then look at me and say, “Well, can we sue the company for those benefits?” Unfortunately, I have to tell them that no, those benefits are not available because of what is known as the “workers' compensation bar” (or prohibition). Simply stated, if a claim is against the worker's employer, then a civil suit is barred except in extremely limited and rare circumstances (not discussed here).

Workers' Compensation: What's In — and What's Out	
WHAT'S COVERED ✓	NOT AVAILABLE ✗
<ul style="list-style-type: none"> ✓ Medical Care (all necessary treatment) ✓ Lost Wages (2/3 of average weekly wage) ✓ Disability Rating (for permanent injury) ✓ Death Benefits (500 weeks) ✓ Mileage to doctors ✓ Prescription medications 	<ul style="list-style-type: none"> ✗ Pain & Suffering ✗ Emotional Distress ✗ Loss of Enjoyment of Life ✗ Punitive Damages

Workers' comp is a no-fault system — faster but limited.

At that point in the conversation, the worker and their family members usually become extremely frustrated. I tell them that I understand their frustration (because I do). I then explain a brief history of workers' compensation law and WHY these benefits are not available.



Brief History of Workers' Comp

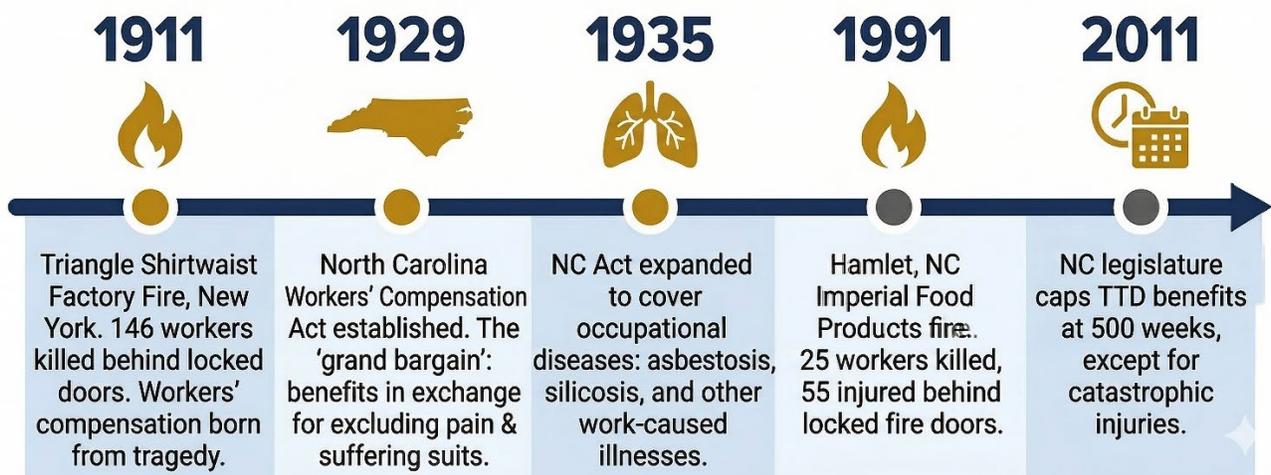
Workers' comp was first established in New York State as a result of the Triangle Shirtwaist Factory fire of 1911. In that fire, women and children garment workers were burned to death, maimed, or crippled when they could not get out of the burning building because the owners had locked all exit doors. After the Triangle Shirtwaist Factory fire, the New York Legislature met and decided there needed to be a safety net of benefits available to workers and their families due to work-related injuries. They created a "safety net" or again,

“three doors” of medical care, lost wages, and a disability rating to help workers be able to support their families while recovering and then returning to work. In the case of death, the death benefits were to provide the worker’s family with monetary benefits to help soften the loss of the worker’s income.

The argument over establishing a safety net of benefits was heated. Workers’ groups wanted workers and their loved ones to be able to recover for pain and suffering, loss of enjoyment of life, emotional distress, and punitive damages. Employer groups didn’t want to provide anything because doing so would lower their profits. So, business and industry agreed to provide the safety net, but only in return for excluding the “really big stuff,” like pain and suffering, loss of enjoyment of life, and punitive damages. (If there was ever a case warranting punitive damages, it was the Triangle Shirtwaist Factory fire.) The negotiation and resulting compromise over these benefits was called the “grand bargain.”

The North Carolina Legislature followed suit and established the NC Workers’ Compensation Act in 1929. The Legislature broadened the Act in 1935 to include occupational diseases such as cancers, asbestosis, silicosis, and overuse injuries. Remember the Hamlet, NC chicken processing plant fire of 1991 where 25 workers were killed and 55 were injured when they were trapped behind locked fire doors? A tragic event that was preventable.

How Workers’ Compensation Came to Be



Since its inception, every type or category of benefit has been fought over. There were fights over the Act's constitutionality, whether the worker should get a jury trial as opposed to only a judge-based bench trial, whether the carrier could commit bad faith for treating injured workers so poorly by ignoring their medical care, whether and what types of medical care benefits are available, wage benefits, calculation of those benefits, burdens of proof, medical causation, whether a worker's family could get paid for providing services to the injured worker (attendant care), what constitutes disability, what constitutes wage loss, what constitutes an injurious exposure for an occupational disease, and virtually everything you could think of that an injured worker can face. Because there is a natural push and pull between those who don't want to provide injured workers with benefits and workers' rights groups who want their workers to recover and be able to support their families while returning to work, virtually every aspect of the Act has been litigated. There are lawyers, lobbying groups, and entire employer and manufacturing associations in North Carolina whose sole purpose is to eliminate workers' compensation benefits for injured workers. Doing so would increase profits for their employer clients and hurt the working man and woman.

So, when an injured worker and their family members look at me like I have horns or that I am crazy, I tell them that it is a legislative problem and that unfortunately, their legislators in North Carolina have done all they can to eliminate or reduce benefits available for injured workers and to stack the courts with judges who traditionally rule in favor of corporations and against them, the injured worker.

I love to talk about this stuff, if you want more information, please call me and I will gladly fill you in.

Questions About Your Specific Situation?

This chapter is a summary of a complicated body of law. Every workers' compensation case is different. If you have questions about your injury, employer, or claim, the best step you can take is to speak with an experienced, board-certified workers' compensation attorney.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 2

Was My Injury Covered? Understanding Compensability in NC

★★★★★

“Went with Reid after there was no hope for my husband’s case and every other attorney rejected the case. Reid heard us out and gave us the best outcome we could ever have had. We 100% recommend!”

— Clara R. — Google Review

If you’ve been hurt at work, the first question on your mind is probably the most important one: Am I even covered? The honest answer is: it depends. North Carolina workers’ compensation does not automatically apply to every person who gets hurt on the job. There are rules about who qualifies, what kinds of injuries count, and when coverage even applies.

The good news is that most working people in North Carolina are covered. The system is designed to cast a wide net. But insurance companies and employers have every incentive to argue you don’t qualify, so understanding the rules yourself is one of the most important things you can do.

This chapter explains exactly what you need to know.



The Three Requirements: Do You Qualify?

To receive workers' compensation benefits in North Carolina, three things must generally be true. Think of them as three boxes that all need to be checked.

REQUIREMENT 1	REQUIREMENT 2	REQUIREMENT 3
<p>You Are an Employee</p>	<p>Injury Happened at Work</p>	<p>You Follow the Rules</p>
<p>You must be classified as an employee, not an independent contractor.</p>	<p>Your injury or illness must have occurred in the course and scope of employment.</p>	<p>You must report the injury and meet all required deadlines.</p>

Let's walk through each one.

Requirement 1: You Must Be an Employee

Workers' compensation in North Carolina covers employees. It does not automatically cover independent contractors, freelancers, or people who are self-employed. This distinction matters a lot, because insurance companies and employers frequently argue that an injured worker is a "contractor" instead of an employee, precisely to avoid paying benefits.

What makes you an employee? The short answer is the more control your employer has over how, when, and where you do your work, the more likely you are to be considered an employee under the law. If someone tells you what time to show up, what tools to use, and how to do the job, that points toward employment. If you set your own hours, use your own equipment, and work for multiple clients, that might point toward independent contractor status.

Do not simply accept it if your employer tells you that you are a contractor. That label is not always legally correct. Courts and the NC Industrial Commission look at the real nature of the working relationship, not just what the paperwork says. If you are unsure whether you qualify, this is exactly the kind of question an experienced workers' compensation attorney can answer quickly.

Domestic Workers, Farm Workers & Certain Seasonal Workers

Some workers in North Carolina fall into special categories with limited or different coverage. Domestic servants employed in a private home, farm workers, and certain casual employees may have limited or no coverage depending on their specific situation. If your work situation is unusual,

do not assume you are not covered, ask an attorney first.

Requirement 2: Your Injury Must Be Related to Work

Your injury or illness must have “arisen out of” and “in the course and scope” of your employment. That phrase has a specific legal meaning. In plain English, it means your injury must have occurred while you were doing something connected to your job that benefitted your employer.

An injury often qualifies if it happened while you were performing your job, during your work shift, at a location where your employer requires you to be, or while doing something your employer benefited from. It does not need to happen inside your employer’s building. Injuries in parking lots, on job sites, during delivery routes, or at required work events can all qualify. However, many overuse injuries which occur at work are excluded, so talk to an attorney.

North Carolina workers’ compensation also covers occupational diseases that develop over time because of conditions at work. Asbestosis, silicosis, cancers, hearing loss from industrial noise, and repetitive stress injuries can all potentially qualify as occupational diseases if the connection to work can be proven.

What About the Coming and Going Rule?

Generally speaking, injuries that happen while you are commuting to or from work are NOT covered. This is called the coming and going rule. If you are hurt in a car accident on your way to your regular workplace, that is typically not a workers' comp claim. However, there are important exceptions. If your employer requires you to travel between job sites, if you are in a company vehicle, if you are running an errand for your employer, or if you have no fixed workplace, you may still be covered. Do not assume you are excluded just because you were in a car when you were hurt.

Requirement 3: You Must Follow the Required Deadlines

This third requirement trips up more injured workers than any other. North Carolina law requires you to take certain steps within certain timeframes. Miss these deadlines, and you may lose your right to benefits entirely, regardless of how serious your injury is.

We cover deadlines in full detail in the next chapter. For now, the key numbers to know are: you should report your injury to your employer as soon as possible and in writing within 30 days, and you must file a formal claim (Form 18) with the NC Industrial Commission within two years of the injury date. We will walk through both of these in Chapter 3.

Which Employers Are Required to Carry Workers' Comp Insurance?

In North Carolina, most private employers who regularly employ three or more workers must carry workers' compensation insurance. That three-employee threshold includes full-time and part-time workers, and it counts all employees, not just the ones doing dangerous jobs.

Employers who do not carry required coverage are breaking the law. The penalty for being uninsured can reach up to \$100 per day, and the employer can face criminal charges in serious cases. More importantly for you: even if your employer is uninsured, you may still have a path to benefits through the NC Industrial Commission.

⚠ If Your Employer Says They Don't Have Insurance

Do not walk away. The lack of insurance is your employer's problem, not yours. Call an attorney immediately. There are legal avenues available to injured workers even when an employer has failed to maintain required coverage.

Who Is Exempt From Workers' Compensation?

While most working people in North Carolina are covered, there are categories of workers and employers who are not required to participate in the workers' compensation system. These exemptions exist for various historical and legal reasons, though they are sometimes controversial.

- Self-employed individuals and sole proprietors who have no employees
- Employers with fewer than three employees (though some voluntarily carry coverage)
- Domestic servants employed in a private home
- Farm and agricultural workers (with limited exceptions)
- Federal government employees (covered under a separate federal program, FECA)
- Railroad workers (covered under the Federal Employers' Liability Act)
- Certain employees of religious organizations in specific circumstances

If you fall into one of these categories, it does not necessarily mean you are without any recourse if you are hurt at work. It means workers' compensation under the NC Act may not be available to you, but there may be other legal avenues, including civil claims or separate federal programs. An attorney can tell you what options actually exist for your situation.

What Types of Injuries Are Covered?

People often think workers' compensation only covers big, dramatic accidents, a fall from scaffolding, a crushing machine injury, a serious car crash on the job. Those absolutely qualify. But the law covers a much wider range of injuries and conditions than most people realize.

COVERED ✓	NOT COVERED ✗
✓ Traumatic injuries (falls, cuts, broken bones, burns)	✗ Pain and suffering (not available in workers' comp)
✓ Back and spine injuries from lifting or sudden movement	✗ Injuries caused by intoxication or being under the influence of drugs
✓ Heart attacks triggered by unusual physical exertion at work	✗ Injuries caused by intentional self-harm
✓ Occupational diseases (asbestosis, silicosis, cancer, and carpal tunnel from repetitive work)	✗ Injuries arising from horseplay or fighting the worker started
✓ Hearing loss from prolonged workplace noise exposure	✗ Commuting injuries (with limited exceptions — see Coming and Going rule)
✓ Psychological conditions resulting from work-related stressors (think PTSD for police officers).	✗ Injuries from purely personal activities with no work connection

✓ Aggravation of a pre-existing condition made worse by work

✗ Emotional distress claims without an accompanying physical injury

What If I Had a Pre-Existing Condition?

This is one of the most common questions injured workers ask, and one of the most common excuses insurance companies use to try to deny claims. Here is the truth: having a pre-existing condition does not automatically bar you from workers' compensation benefits in North Carolina.

If your work activity aggravated, accelerated, or combined with your pre-existing condition to produce a new or worsened disability, you may still have a valid claim. The classic example is a worker with a prior back problem who is required to lift heavy items at work, and that lifting causes a new herniated disc. The prior back problem does not eliminate the claim.

Insurance companies will use your medical history against you every chance they get. This is exactly why having an attorney review your case early matters. An experienced workers' comp lawyer knows how to document the connection between your work and your new or worsened condition.

The Key Legal Question on Pre-Existing Conditions

The question North Carolina law asks is not: Did this person have a perfect, healthy body before? The question is: Did the work activity cause or significantly contribute to the injury or condition they are claiming? If

the answer is yes, the claim is potentially compensable.

What If the Accident Was Partly My Fault?

North Carolina workers' compensation is a no-fault system. That means it generally does not matter who caused the accident. Even if you made a mistake that contributed to your injury, you are still entitled to benefits.

Think about that for a moment. In a normal personal injury case, a car wreck, a slip and fall, your own fault can reduce or eliminate your recovery. Not so with workers' comp. The system was designed this way intentionally, as part of that "grand bargain" we discussed in Chapter 1. Employers get immunity from most civil lawsuits; workers get benefits regardless of fault.

There are two narrow exceptions to this rule. If a worker is injured while voluntarily intoxicated, or if a worker intentionally injures themselves, the claim can be barred. But ordinary mistakes, momentary lapses in attention, not following a safety procedure, these do not disqualify you. If an employer or adjuster suggests otherwise, they are wrong.

✓ **The No-Fault Rule Is One of Workers' Comp's Strongest Protections**

You do not have to prove your employer was negligent. You do not have to prove you were blameless. You simply have to prove the injury happened in the course and scope of your employment. That is a much lower bar than in any civil lawsuit.

The 7-Day Waiting Period: When Benefits Actually Start

Here is something many injured workers are blindsided by: even if your claim is completely valid, workers' compensation lost wage benefits do not begin on day one. North Carolina law requires a seven-day waiting period before Temporary Total Disability (TTD) payments begin.

What this means in practice: if you are unable to work because of your injury, you will not receive your first TTD check until after seven days of missed work have passed. Those first seven days are unpaid under workers' comp, though you may be able to use your own sick leave or vacation time to cover that gap.

There is one important exception. If your injury keeps you out of work for more than 21 days, three weeks, then those first seven waiting days become compensable, and you will be paid for them retroactively.



The Fast Eligibility Checklist

Before you call an attorney, or while you're waiting for your appointment, run through this quick checklist. If you can answer yes to the first two and you are still employed or recently employed, there is a very good chance you have a viable workers' compensation claim in North Carolina.

Workers' Compensation Eligibility Quick Checklist

- 1. Am I classified (or arguably classifiable) as an employee?** *If no, you may still qualify depending on how the work relationship actually operates.*
- 2. Did the injury or illness happen in connection with my job?** *If you were at work, performing work duties, or traveling for work, you likely qualify.*
- 3. Does my employer have 3 or more employees?** *Most do. If not, ask.*
- 4. Have I reported the injury to my employer?** *Do this immediately if you have not. Do it in writing.*
- 5. Has it been less than 2 years since the injury?** *If so, you are within the Form 18 filing deadline. If not, call an attorney today—there may still be options.*

What to Do Right Now

If you believe your injury qualifies, act. The workers' compensation system has deadlines that are strictly enforced, and waiting has cost countless injured workers their right to benefits. You do not need to have everything figured out before you take action. You simply need to start.

- Report your injury to your employer in writing as soon as possible. Do not rely on a verbal report alone.
- Seek medical treatment and tell your healthcare provider that your injury is work-related and give them your employer's name.
- Write down everything you remember about the accident, date, time, location, what you were doing, who saw it.
- Do not sign anything the insurance company sends you without speaking to an attorney first.
- Call a board-certified workers' compensation attorney for a free consultation before the deadlines pass.

Not Sure If Your Injury Qualifies? Let's Talk.

Compensability questions are exactly what Reid Acree handles every day. A free consultation costs you nothing and could make the difference between losing your claim and receiving the benefits you deserve.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 3

The Clock Is Ticking: Deadlines, Reporting & Mistakes That Kill Claims

★★★★★

“Reid Acree is not just a lawyer—he is more like family. From the time I met Reid until now he has always been straightforward and fought hard for me during my case. He and his wife Tina are truly amazing people and I’ll refer anyone who needs a lawyer to him.”

— Andrew F. — Google Review

Every single year, injured workers in North Carolina lose their right to benefits, not because their injuries weren’t real, not because they didn’t deserve help, but because they didn’t know about a deadline until it had already passed. The workers’ compensation system has strict time limits, and the courts enforce them without sympathy.

This chapter is about the clock that started running the moment you were injured. Whether you are reading this the day after an accident or a year later, you need to know exactly where you stand and what you still need to do.



The Three Critical Deadlines

There are three time-sensitive actions you need to take after a workplace injury in North Carolina. Think of them as three gates you must pass through in order. Miss any one of them and it could close the door on your entire claim.

SAME DAY	30 DAYS	2 YEARS
Seek Medical Care	Written Notice to Employer	File Form 18 with NCIC
Tell the doctor your injury is work-related. Give your employer's name.	Report in writing. Verbal notice alone is not enough. Keep a copy.	This is your formal claim with the NC Industrial Commission. Miss this and your claim is likely gone.

Deadline 1: Report Your Injury—Immediately, and in Writing

North Carolina law requires you to report your workplace injury to your employer within 30 days of the accident. The sooner you report, the better.

Here is what too many injured workers get wrong: they tell their supervisor verbally and assume that is enough. It is not. You should put your notice in writing, even a simple email or text message to your supervisor documenting the date, what happened, and what part of your body was injured. Keep a copy. If your employer has an incident report form, fill it out completely and keep a copy of that too.

Why does written notice matter so much? Because when a claim is disputed months later, the insurance company will argue that you never properly reported the injury. A verbal conversation with your foreman from two months ago becomes your word against theirs. A dated email is a fact.

⚠ If Your Employer Tells You Not to Report

It is illegal for an employer to discourage, prevent, or retaliate against you for reporting a workplace injury or filing a workers' compensation claim. If anyone at your company tells you not to report or tries to talk you out of filing a claim, document that conversation and call an attorney immediately. That conduct is a violation of North Carolina law.

Deadline 2: The Form 18—Your Formal Claim with the NC Industrial Commission

Reporting to your employer is not the same as filing a workers' compensation claim. Those are two separate things, and many injured workers do not realize this until it is too late.

To formally preserve your right to benefits, you must file Form 18 — Notice of Accident to Employer and Claim of Employee, Representative, or Dependent — with the North Carolina Industrial Commission. This is the official document that puts your claim on record with the state agency that oversees workers' compensation.

You have two years from the date of the accident to file Form 18. Two years sounds like a long time. It is not. Workers' compensation cases are often slow-moving, and it is easy to assume things are being handled while actually nothing has been filed. Do not assume your employer or their insurance company has filed anything on your behalf. They have not.

What If My Injury Is an Occupational Disease?

For occupational diseases—conditions that develop over time from workplace exposures, like asbestosis, cancer or hearing loss—the two-year clock runs from the date you are informed by competent medical authority that you have a disease and that it is work-related. This two-year statute does not run from the date of last injurious exposure. Exposure could have ended years before the diagnosis (such as asbestosis). These cases are more

complex, and the filing deadline issues require an attorney's analysis.

Deadline 3: The Statute of Limitations for Legal Action

Understanding where you are in this process and what deadlines apply to your specific situation is one of the most important reasons to work with an experienced attorney early in your case.



What Your Employer Is Required to Do

When a worker is injured on the job in North Carolina, the employer also has legal obligations. Knowing what your employer is supposed to do helps you recognize when those duties are not being met.

- Provide or direct you to appropriate medical care for the work-related injury.
- Document the injury and report it to their workers' compensation insurance carrier.
- File the appropriate employer's report of injury with the NC Industrial Commission (Form 19) when required.
- Not interfere with your right to file a claim or retaliate against you for doing so.
- Provide you with the name and contact information for the workers' compensation insurance carrier.

When employers fail to meet these obligations, whether by delaying medical authorization, failing to report the injury, or pressuring injured workers not to file, they are breaking the law. Document everything. If your employer is not following through on their responsibilities, that is a sign you need an attorney in your corner.

Evidence: What to Preserve from Day One

Workers' compensation cases are won and lost on evidence. The insurance company will be collecting evidence from the moment your claim is filed—evidence they hope will allow them to deny or reduce your benefits. You need to be doing the same thing.

The first days and weeks after an injury are the most critical window for evidence preservation. Witnesses' memories fade. Accident scenes change. Equipment gets repaired or replaced. Employment and medical records get filed away or lost. The time to act is now.

Evidence Checklist — Gather These from Day One

- Accident Report:** The written report you or your employer files immediately after the injury. Get a copy.
- Medical Records:** All treatment records, diagnosis notes, imaging results, and discharge instructions from the date of injury forward.
- Witness Names & Statements:** Anyone who saw the accident, heard you report it, or saw your physical condition afterward. Get their contact info immediately.
- Photographs:** Photos of the accident scene, your injuries, any defective equipment, and the location where the injury happened. Take these as soon as possible—conditions change.

- ❑ **Written Notice to Employer:** Your copy of the written report you gave your employer. Keep the original and any email confirmation.
- ❑ **Pay Stubs / Wage Records:** Needed to calculate your average weekly wage and TTD benefit rate.
- ❑ **Correspondence from Insurer:** Every letter, form, or email from the workers' comp insurance company. Do not throw any of these away.
- ❑ **Form 18 Filing Confirmation:** Proof that your formal claim was filed with the NC Industrial Commission within the two-year deadline.

One particular category of evidence deserves extra attention: your social media accounts. Insurance companies routinely monitor injured workers' Facebook, Instagram, and other accounts looking for photos or posts that can be used to undermine your claim. A photo of you at a family gathering, even if you are sitting down in pain, can be twisted to suggest you are not as injured as you say. Think carefully before posting anything about your claim.

⚠ The Insurance Company Is Already Investigating

From the moment a workers' comp claim is filed, the insurance company begins building a file aimed at minimizing what they pay you. Adjusters take recorded statements. Investigators may conduct surveillance. Medical reviewers look for reasons to deny or limit treatment. You are not being paranoid if this feels adversarial, it is.

The Claims Adjuster: Who They Are and What They Want

Shortly after you report your injury, you will likely receive a call from a workers' compensation claims adjuster. The adjuster works for the insurance company, not for you. Their job is to manage your claim, and their company's financial interest lies in paying you as little as possible while resolving your case as quickly as possible.

Adjusters are trained communicators. They will often be friendly, sympathetic, and understanding on the phone. Do not let that fool you. Every word you say to an adjuster can and will be used to evaluate, and potentially limit, your claim. You are not required to give a recorded statement without an attorney present.

✓ SAY THIS	✗ NOT THIS
✓ I was injured at work.	✗ I feel fine / it's not that bad.
✓ I have reported this to my employer.	✗ It might have been my fault.
✓ I am being treated by [doctor name].	✗ I've had this problem before.
✓ I prefer to speak with my attorney before answering further questions.	✗ I don't need a lawyer.
	✗ I just want to get back to work quickly.

The single most important thing you can say to a claims adjuster early in your case is: "I'd like to speak with my attorney before answering further questions." You have that right. Exercise it.

The Mistakes That Kill Claims

In nearly three decades of representing injured workers, Reid has seen the same mistakes end otherwise valid workers' compensation claims. Most of these mistakes are completely avoidable. Most happen because injured workers simply do not know the rules.

The Most Common Mistakes That Destroy Workers' Comp Claims

- 1. Waiting too long to report.** The 30-day written notice window closes fast. Every day you wait creates more room for the insurance company to argue your injury didn't happen at work.
- 2. Assuming the employer filed the claim.** Your employer reports to their insurer. That is not the same as filing Form 18 with the NC Industrial Commission. You must file Form 18 yourself—or have your attorney do it.
- 3. Not telling the doctor the injury is work-related.** If you seek treatment and don't mention that it's a workplace injury, the medical records will not support your claim. Those early records are critical.
- 4. Giving a recorded statement without an attorney.** An adjuster's job is to capture anything you say that might be used against you. "I feel okay" or "it's not that bad" in a

recorded call can undermine your entire case.

- 5. Posting on social media.** A single photo or post can be used to argue you are not as injured as you claim. Adjust your privacy settings and avoid posting while your claim is active.
- 6. Ignoring medical treatment.** Gaps in treatment signal to insurance companies that you are not seriously injured. Follow your doctor's orders, attend every appointment, and don't stop treatment until your doctor releases you.
- 7. Missing the two-year Form 18 deadline.** This is the most fatal mistake. Once the statute of limitations passes, there is almost nothing an attorney can do to revive your claim. File before the deadline, period.
- 8. Settling too early.** Insurance companies often approach injured workers with quick settlement offers before the full extent of injuries is known. Once you sign a settlement agreement, you cannot go back. Wait until you reach Maximum Medical Improvement (MMI) before even thinking about settling.

Where to Start Right Now

If you are reading this chapter after an injury, the most important thing you can do is assess where you are in the timeline, and then move.

- If you have not yet reported to your employer: Do it today. Put it in writing. Keep a copy.
- If you have reported verbally but not in writing: Follow up with a written confirmation of your verbal report immediately.
- If it has been more than 30 days since your injury and you have not reported: Call an attorney before taking any other step.
- If it has been less than two years since your injury and you have not filed Form 18: File it now, or call an attorney who will do it for you.
- If you are approaching the two-year mark: This is a genuine emergency. Contact an attorney today.
- If more than two years have passed: Contact an attorney anyway—there are limited circumstances where exceptions may apply, and only an attorney can evaluate your specific situation.

✓ **One Call Can Clarify Everything**

You do not need to figure out exactly where you are in the process on your own. A free consultation with an experienced workers' compensation attorney takes less than an hour and can tell you exactly what deadlines apply to your case, what you have already done right, and what still needs to happen. That call costs you nothing.

Don't Let a Deadline End Your Claim.

Reid Acree handles the paperwork, the deadlines, and dealing with the insurance company so you can focus on getting better. Call for a free consultation—there is no fee unless you win.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 4

You Were Injured at Work. Now What?



“From the initial phone consult onward, Mr. Acree has been to the point, transparent and diligent. He made a point of saying, ‘This is YOUR case, not mine. I’m just your advocate through the process.’ Honesty and Integrity.”

— Tim P. — Google Review

A workplace injury changes everything in an instant. One moment you are doing your job. The next, you are in pain, confused, and wondering what happens now. What do you say to your employer? What do you say to the doctor? Do you have to keep working? Can they fire you? Are your medical bills going to be covered? What about your wages?

The first hours and days after a workplace injury are the most important in your entire workers’ compensation case. The decisions you make right now, what you report, who you tell, what you document, will echo through your claim for months or years. This chapter gives you the exact steps to take and explains why each one matters.



The 5 Steps to Take After a Workplace Injury

There is a lot to absorb when you have just been hurt. These five steps cut through the noise. Follow them in order and you will have protected your health, your legal rights, and your claim from the very beginning.

Step 1 — Seek Medical Care Immediately

Your health comes first. If you need emergency care, go. If the injury is serious and your employer is not being helpful, go to the closest urgent care or emergency room. Do not delay treatment waiting for employer's permission in a true emergency.

Step 2 — Tell Your Doctor It Is a Work Injury

When you see a healthcare provider, say these exact words: “My injury happened at work.” Give them your employer’s name. This triggers workers’ compensation billing rather than your personal insurance and creates the critical medical record that connects your injury to your job.

Step 3 — Report to Your Employer—In Writing

As soon as you are able, notify your employer in writing. An email or text to your supervisor works. State the date, what happened, and what part of your body was injured. Keep a copy. Do not rely on verbal notice alone.

Step 4 — Document Everything

Write down what happened while the details are fresh. Note the exact date, time, and location. Identify any witnesses and get their contact information. Take photographs of the accident scene, any defective equipment, and your injuries. Save every piece of paper the insurance company sends you.

Step 5 — Call a Board-Certified Workers' Comp Attorney

Before you talk to the insurance adjuster. Before you sign anything. Before you accept any settlement offer. A free consultation protects you from the mistakes that end claims, and there is no fee unless you win.

Step 1 in Detail: Getting Medical Care Right

In North Carolina, your employer generally has the right to direct your medical treatment, meaning they can tell you which doctor to see for a work-related injury. Your employer is required to post a notice in the workplace listing the approved treating physician or medical network. If you see a posted notice, follow it unless the injury is an emergency.

If your employer has not posted a notice, ask your supervisor directly who you should see. If the injury is serious, if your employer is unreachable, or if they are giving you the runaround, go to the nearest urgent care or emergency room. Your health comes first. The billing can be sorted out afterward.

Here is a critical point that trips up many injured workers: seeing a doctor outside the employer-directed medical system without authorization can complicate your claim. It does not eliminate your claim, but it can create disputes over which treatment is covered. When in doubt, contact an attorney before choosing a provider.

At Your First Medical Appointment After a Work Injury

Tell them: This injury happened at work. My employer is [name]. Please bill this as a workers' compensation claim.

Describe: Every symptom, every body part that hurts, no matter how minor it seems right now. Injuries not mentioned in early records become difficult to claim later.

Ask for: A copy of all treatment notes, diagnoses, and work restriction documentation. You are entitled to your own medical records.

Do not say: "I feel okay" or minimize your pain to appear tough. Be accurate and complete—the medical records from this visit will follow your case for years.

Step 2 in Detail: Why the Doctor's Record Matters So Much

The medical records from your very first visit after the injury are the foundation of your claim. Insurance company lawyers and adjusters will read every word. If those records do not mention that your injury happened at work, or if the description of your symptoms is incomplete, the insurance company will use those gaps against you later.

This is not about exaggerating. It is about being complete and accurate. If your back hurts in three places, mention all three. If you have pain radiating down your leg, describe it. If your shoulder and your neck both hurt, say so.

Injuries not documented in early records are difficult, sometimes impossible, to connect to the workplace accident down the road.

What About Follow-Up Treatment?

Your responsibility to your own recovery does not end after the first visit. Follow your doctor's recommendations. Attend every appointment. Complete prescribed physical therapy. Take medications as directed. Gaps in treatment, missing appointments, stopping therapy early, signal to insurance companies that you are not seriously injured, and they will use those gaps to reduce or deny your benefits.

Step 3 in Detail: Reporting to Your Employer the Right Way

You should report your injury to your employer as soon as you are able. The law gives you 30 days, but do not treat that as a target, treat it as a hard deadline and report as soon as possible. Delayed reporting gives the insurance company room to argue that the injury happened somewhere other than work or that it is not as serious as claimed.

What your written report should include: the date of the accident, the time, the exact location, a brief description of what happened, the body parts injured, and the name of anyone who witnessed the incident. An email to your supervisor with this information is sufficient but keep a copy.

⚠ What If Your Employer Discourages You from Reporting?

It is illegal in North Carolina for an employer to discourage, prevent, or penalize a worker for reporting a workplace injury or filing a workers' compensation claim. Under NCGS §97-6.1, this is called retaliation, and it is prohibited. If your supervisor tells you not to file a claim, offers you cash under the table to stay quiet, threatens your job, or changes your schedule or duties after your report, document all of it and call an attorney immediately.

Step 4 in Detail: Documenting Your Injury Like a Professional

Insurance companies have investigators. They have lawyers. They have doctors who work for them and whose job is to find reasons to minimize your claim. You need to build your case from day one.

- Write a detailed account of exactly what happened, within 24 hours while your memory is fresh. Date it and keep it somewhere safe.
- Photograph the scene of the accident before anything is moved, repaired, or cleaned up.
- Photograph your injuries—bruising, cuts, swelling—and continue photographing as conditions change over the following days.
- Get the names and contact information of every witness, including coworkers who saw you get hurt or who saw you in pain afterward.
- Keep a daily pain and symptom journal: how you feel each day, what you cannot do, how your injury affects your sleep, your family life, your daily activities.
- Save every document the insurance company or your employer sends you. Never throw anything away.

Step 5 in Detail: When to Call an Attorney—And Why It Should Be Now

Many injured workers wait too long to call an attorney. They assume they can handle it themselves, or they feel guilty about “making it a big deal,” or they are afraid of what their employer will think. Meanwhile, the insurance company has had a lawyer working against them from day one.

You do not pay anything for a consultation. You do not pay anything unless you win. And the information you get from a free call with an experienced workers' comp attorney could protect your entire claim.

Specifically, call an attorney if: your employer or their insurer is disputing or delaying your claim, you have been offered a settlement, you are being pressured to return to work before you are ready, you cannot do the same job you had before, your medical treatment is being denied or limited, or more than 30 days have passed since your injury without a formal filing.

★★★★★

“He took the case and made it stress free for me. I didn’t have to worry about anything. I was very pleased with the outcome. I would recommend him to anyone.”

— Beverly S. — Google Review

Different Injuries, Same 5 Steps—With a Few Wrinkles

The five steps above apply to every work injury. But certain types of injuries come with specific considerations that are worth knowing about.

<p>Back & Spine Injuries</p> <p>The most common workers' comp claim in NC. Report immediately. Do not try to "walk it off." Back injuries left untreated often worsen. If your doctor recommends imaging or specialist care, that is your right under workers' comp.</p>	<p>Chemical & Toxic Exposure</p> <p>Seek emergency care first. Identify the chemical involved and preserve any safety data sheets. Notify your employer and OSHA. Document symptoms carefully, as some exposure injuries develop over days or weeks.</p>
<p>Repetitive Stress Injuries</p> <p>Carpal tunnel, rotator cuff tears, knee damage from years of kneeling—these can qualify even though they develop over time. The clock typically starts when you were told by a doctor the condition was work-related.</p>	<p>When You Can't Return to Your Old Job</p> <p>If your injury prevents you from doing your pre-injury job, you may be entitled to vocational rehabilitation, wage loss benefits, or retraining assistance. Do not resign or accept a demotion without speaking to an attorney first.</p>

Your Employer's Legal Obligations When You Are Injured

When you are hurt at work, your employer has legal responsibilities under both North Carolina workers' compensation law and federal OSHA regulations. Understanding what they are supposed to do helps you recognize when they are not doing it.

What Employers Are Required to Do Under NC Law & OSHA

- Provide a workplace free from recognized hazards (OSHA General Duty Clause).
- Maintain accurate records of workplace injuries and illnesses.
- Supply workers with required personal protective equipment (PPE) appropriate to the task.
- Display required safety posters and inform employees of their rights.
- Ensure employees are trained on hazardous chemicals and materials in the workplace.
- Report serious injuries, hospitalizations, and fatalities to OSHA as required.
- NOT retaliate against workers who report injuries or file workers' comp claims.

When your employer fails to meet these obligations—or actively works against your claim, you are dealing with something beyond a normal insurance dispute. That is the moment when having an experienced, board-certified workers' compensation attorney becomes not just helpful but essential.

What If You Cannot Return to Your Old Job?

One of the hardest realities of a serious work injury is confronting the possibility that you may never be able to do the same job again. A construction worker with a permanently damaged knee. A nurse with a back injury that prevents lifting. A factory worker whose hand is never the same.

North Carolina workers' compensation has provisions for exactly this situation. If you are unable to return to your former position because of your work injury, you may be entitled to vocational rehabilitation services, assistance with retraining, job placement, and transition to a different kind of work. You may also be entitled to ongoing wage loss benefits if your new earning capacity is lower than what you earned before.

Do not let your employer or their insurer push you into resigning, accepting a lower-paying position, or signing documents that limit your future options. Any agreement that affects your long-term employment situation after a work injury should be reviewed by an attorney before you sign.

✓ You Have More Rights Than You Realize

The workers' compensation system is complicated, and insurance companies are counting on you not knowing your rights. But the law provides real, meaningful protection for injured workers in North Carolina. Medical care. Lost wages. Disability benefits. Vocational rehabilitation. Retaliation protection. These are not favors, they are rights you have already earned by going to work every day.

You Were Injured. You Deserve Help.

Reid Acree has spent nearly three decades fighting for injured workers in North Carolina. One free call can tell you exactly where your claim stands and what to do next.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 5

The NC Industrial Commission: Who They Are and Why It Matters

★★★★★

“He and his team went to the mat when it mattered and gave advice that garnered a greater outcome than I expected. If you need an attorney that actually cares about you and takes your case seriously — someone who won’t waste your time and gives a no-BS account of the merits of your case — Reid Acree is the person for you.”

— Jonathan G. — Google Review

If you file a workers’ compensation claim in North Carolina, there is one agency you need to know about: the North Carolina Industrial Commission. Whether your claim is smooth or contested, whether you settle early or fight all the way to a hearing, the NCIC is the institution that governs every part of that process.

Most injured workers have never heard of the NC Industrial Commission before their injury. After reading this chapter, you will understand exactly what it does, how it works, and, most importantly, how it affects you.



What Is the NC Industrial Commission?

The North Carolina Industrial Commission (NCIC) is the state agency created by the North Carolina Workers' Compensation Act to administer the workers' compensation system. It was established in 1929 and operates under North Carolina General Statute Chapter 97.

Think of the NCIC as the referee of the workers' compensation system. It sets the rules, processes the paperwork, manages disputed claims, conducts hearings, and issues decisions that determine what benefits an injured worker receives. It is not a court in the traditional sense, but it functions like one, with formal procedures, legal standards, and binding decisions.

The Commission is led by six full-time Commissioners appointed by the Governor of North Carolina. Day-to-day disputes are handled by a team of Deputy Commissioners who conduct hearings across the state and issue written opinions. Decisions can then be appealed, first to the Full Commission, then to the NC Court of Appeals, and possibly to the NC Supreme Court.

The Commission	Deputy Commissioners	Appeals Process
<ul style="list-style-type: none"> • Six full-time Commissioners appointed by the Governor • Oversees all NC workers' compensation claims • Governs how benefits are determined • Located in Raleigh, NC 	<ul style="list-style-type: none"> • Conduct hearings on disputed claims • Issue written opinions and orders • First level of formal dispute resolution • Hearings held across the state 	<ul style="list-style-type: none"> • Full Commission review of Deputy decisions • NC Court of Appeals (next level) • NC Supreme Court (final level) • Each level adds time—have an attorney

Where Is the NCIC Located?

The NC Industrial Commission is headquartered at 430 N. Salisbury Street, Raleigh, NC 27603. Hearings are conducted at NCIC offices across the state, so in many cases you will not need to travel to Raleigh. Your attorney will handle all filings and communication with the Commission on your behalf.

What the NCIC Does—And What It Doesn't

The NCIC has a specific role in the workers' compensation system. Understanding both what it does and what it does not do helps you set realistic expectations for your case.

What the NCIC Does

- Receives and processes all Form 18 claim filings from injured workers.
- Maintains the official record of your workers' compensation claim.
- Manages the Industrial Commission's mediation program for disputed claims.
- Schedules and conducts hearings before Deputy Commissioners when claims are disputed.
- Issues formal orders and decisions on disputed claims.
- Reviews and approves all workers' compensation settlements..
- Reviews and approves attorney fee agreements in workers' compensation cases.
- Enforces compliance with the NC Workers' Compensation Act, including mandatory coverage requirements.

What the NCIC Does Not Do

- The NCIC does not advocate for you. It is a neutral administrative body.
- It does not investigate claims on your behalf or gather evidence for you.
- It does not provide legal advice or tell you whether your claim is valid.
- Filing Form 18 with the NCIC does not automatically mean you will receive benefits—it preserves your legal right to pursue them.
- The NCIC is not the same as the NC Department of Labor or OSHA.

⚠ The NCIC Is Not on Your Side

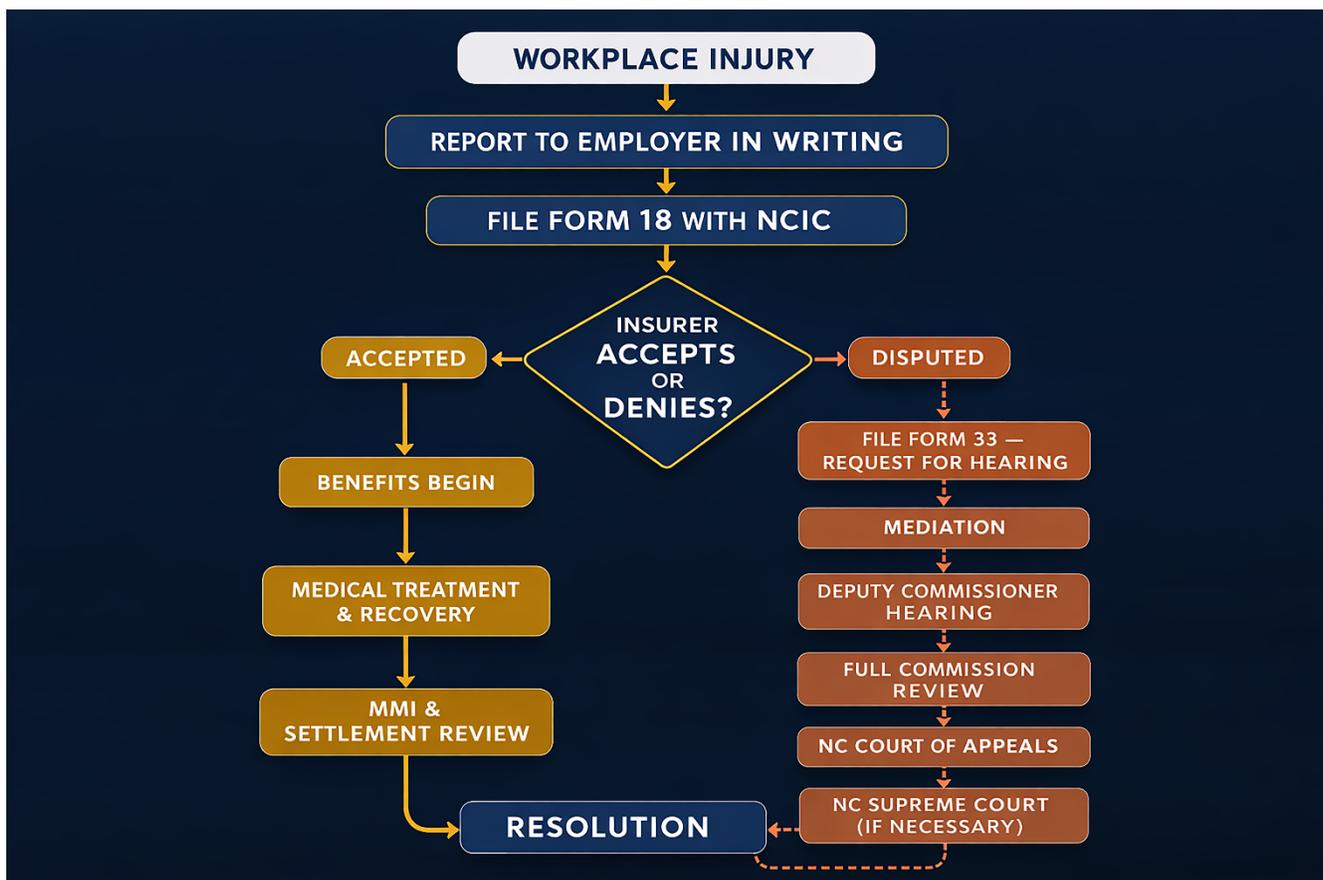
This is not a criticism of the Commission, it is simply the reality of how the system is designed. The NCIC is a neutral administrative body. It does not have investigators working to build your case. It does not push insurers to pay what you are owed. It provides a court system for adjudicating legal disputes in workers' comp cases. The job of advocating for you belongs to your attorney.

How a Claim Moves Through the System

Most workers' compensation claims in North Carolina follow a predictable path. Understanding that path helps you know where you are at any given moment and what to expect next.

When a claim is filed and accepted by the insurer without dispute, benefits begin and the case moves forward through medical treatment and eventually, a determination of any permanent disability. In these cases, the NCIC's role is largely administrative, recording the claim, reviewing any settlement agreement, and approving attorney fees.

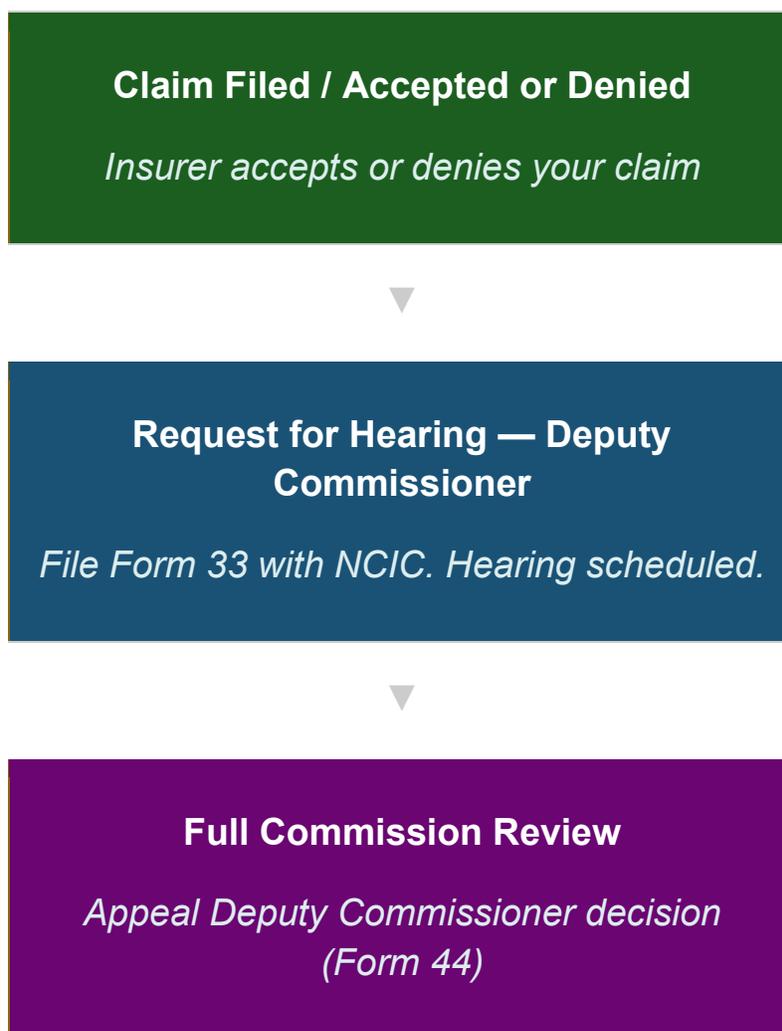
When a claim is disputed, when the insurer denies your claim, disputes the severity of your injury, cuts off your benefits, or refuses to authorize medical treatment, the NCIC's formal hearing process becomes critical.



The Appeals Process: When the System Disputes Your Claim

If your claim is denied or disputed, North Carolina law gives you the right to challenge that decision through a formal appeals process. This process has multiple levels and each level has its own rules, deadlines, and procedures.

The appeals process can take months or years to fully resolve, depending on the complexity of the dispute and the level of appeal involved. This is one of the most important reasons to have an experienced workers' compensation attorney from the very beginning. Missing a deadline or making a procedural error at any level can cost you your appeal rights.



NC Court of Appeals

Legal questions; reviews Commission decision



NC Supreme Court

Discretionary review; highest level

Form 33: Requesting a Hearing

When your claim is denied or a dispute arises over medical treatment, benefit payments, return-to-work, or any other issue, you can request a formal hearing before a Deputy Commissioner by filing Form 33 with the NCIC. This puts your dispute on the Commission's docket and starts the formal hearing process.

Before a hearing is scheduled, the NCIC generally requires the parties to mediate the case. Mediation is a formal process where a neutral mediator tries to help both sides reach an agreement. Many cases settle at mediation. If mediation fails, the case proceeds to a full evidentiary hearing.

What Happens at a Hearing?

A Deputy Commissioner hearing looks like a courtroom proceeding. Both sides present evidence, call witnesses, and make legal arguments. The injured worker and fact witnesses testify. Medical experts and vocational experts may testify live or by post-hearing deposition. The parties submit briefs of contention and the Deputy Commissioner then issues a written Opinion and Award that determines what benefits, if any, the injured worker will receive. This written decision can be appealed to the Full Commission.

The NCIC Forms You Need to Know

The NC Industrial Commission uses a standardized set of forms to manage the workers' compensation process. You do not need to memorize all of them, but you should know the most important ones. Your attorney will handle all filings, but understanding what each form does puts you in control of your own case.

Form	What It Does
Form 18	Notice of Accident to Employer and Claim of Employee, your formal claim filing. You must file this within the 2-year deadline.

Form 19	Employer's Report of Injury, filed by your employer with the insurer. Not a substitute for a Form 18.
Form 33	Request that Claim Be Assigned for Hearing; filed when you want to formally dispute a denial or limitation of benefits.
Form 33R	Response to Request that Claim Be Assigned for Hearing, the employer/insurer's formal response to your hearing request.
Form 44	Application for Review by Full Commission, filed to appeal a Deputy Commissioner's decision.
Form 26	Memorandum of Agreement on Compensation, used to document a settlement or ongoing benefit agreement.
Form 60	Employer's Admission of Employee's Right to Compensation, insurer admits your claim is valid.
Form 61	Denial of Workers' Compensation Claim, official notice that your claim is denied.

Forms Can Be Filed Online

The NC Industrial Commission allows many forms to be filed electronically through its online portal at ncic.gov. Your attorney will handle all filings, but if you are managing your own claim, visit ncic.gov for the current versions of all required forms. Never use old or outdated form versions, they will be rejected.

Who Actually Pays Your Benefits?

One of the most common questions injured workers have is: who is paying my workers' compensation benefits? The answer depends on how your employer handles their coverage requirement.

Most employers in North Carolina carry workers' compensation insurance through a private insurance carrier. When you file a valid claim, the insurer, not your employer directly, pays your medical bills and wage replacement benefits. Your employer pays premiums to the insurer; the insurer pays your claim.

Some larger employers are self-insured, meaning they set aside their own funds to pay workers' comp claims rather than purchasing commercial insurance. Self-insured employers must be approved by the NCIC and meet strict financial requirements.

If your employer does not have workers' compensation insurance and is required to, meaning they have three or more employees, you may still have recourse through the NC Industrial Commission.

⚠ Employer Has No Insurance?

If you are injured and discover your employer does not carry workers' compensation insurance, contact the NC Industrial Commission immediately and consult an attorney. Your employer may face fines of up to \$100 per day of non-compliance, as well as criminal charges. Do not assume you have no options.

Mediation: The First Stop Before a Hearing

Before most workers' compensation disputes proceed to a formal hearing before a Deputy Commissioner, the NC Industrial Commission requires the parties to participate in mediation. Mediation is not a hearing or a trial; it is a structured negotiation session conducted by a neutral attorney approved by the NCIC.

Mediation sessions typically last several hours. Both the injured worker and the employer's insurer (represented by a defense attorney) attend. A mediator meets with both sides, sometimes separately, sometimes together, to facilitate a settlement discussion.

Most workers' compensation disputes settle at mediation. A mediated settlement, if reached, is binding, provided that the parties sign a "mediated settlement agreement. If mediation fails and the parties cannot agree, the case proceeds to a formal hearing. Having your attorney present at mediation is essential.

✓ **Mediation Can Work in Your Favor**

Mediation is not just a procedural hurdle, it is a real opportunity to resolve your case favorably without the delay and uncertainty of a full evidentiary hearing. An experienced workers' comp attorney who knows the value of your claim, the strengths of your evidence, and the tendencies of the insurance company's defense counsel can use mediation to secure a result that genuinely compensates you for your injury.

★★★★★

“You can try to do it all on your own, dealing with your employer, the state Labor Board and Insurance Commission, filling out legal paperwork and hoping you got it right, dealing with hospitals, doctors, etc.—but I doubt you can do it nearly as effectively as you could with good counsel. Reid Acree is that. Spare yourself the headache, anxiety, and subpar results of navigating it yourself, you won't regret it.”

— Tim P. — Google Review

**The NCIC Has Rules. You Need Someone
Who Knows Them.**

Reid Acree has navigated the NC Industrial Commission on behalf of injured workers for nearly three decades. From Form 18 to Full Commission hearings, he handles every step so you never miss a deadline or make a procedural mistake that costs you your case.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 6

Medical Treatment, IMEs, and the Doctor Game



“He said, ‘If you were my granddaughter, I would tell you to make sure you were covered to get the treatment and care you need.’ He fought for me while I had my surgery and I didn’t have to wait for it. I never worried or stressed when he agreed to help me.”

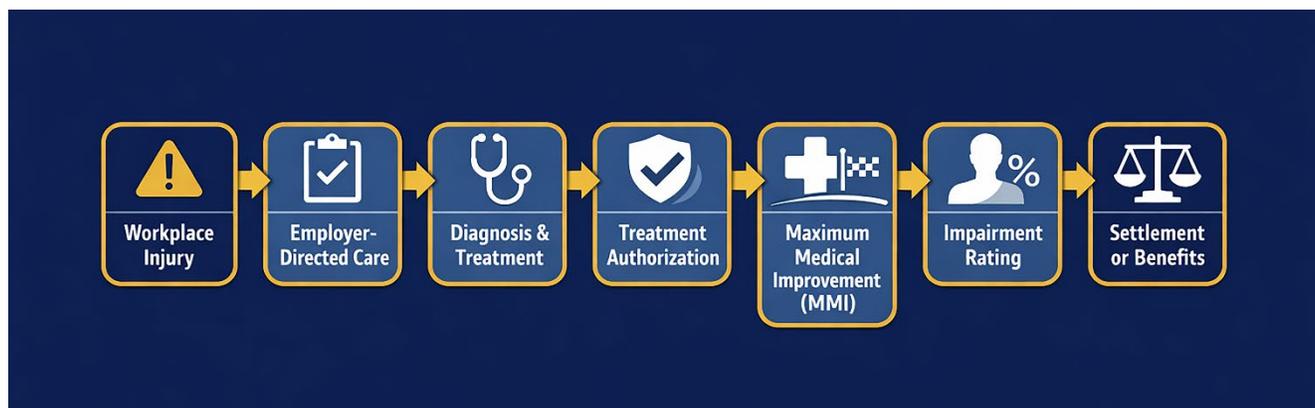
— Ashley M. — Google Review

Getting medical treatment after a workplace injury sounds simple. You got hurt. You go to the doctor. The doctor fixes you. The insurance company pays.

If only it worked that way.

The reality is that medical treatment in a workers’ compensation case is one of the most contested parts of the entire process. The insurance company controls much of your medical care. They choose your doctors, authorize your treatments, and scrutinize every diagnosis. When the treatment is expensive, they look for reasons to deny it. When a surgery might end your temporary disability benefits, they sometimes drag their feet on authorizing it. When an “independent” exam doctor (chosen by the insurer) says your injury is less serious than your treating doctor believes, the insurer will use that opinion to cut your benefits.

This chapter explains how medical treatment works in a North Carolina workers' compensation case, what rights you have, where the system can be used against you, and how to protect yourself.



Who Controls Your Medical Care?

In North Carolina, your employer, through their workers' compensation insurance carrier, has the right to direct your medical treatment. This is one of the most important and often misunderstood aspects of the NC system.

What this means in practice: your employer or their insurer selects the doctors you see, must authorize referrals to specialists, and must approve surgical procedures before they are performed. You cannot simply choose your own doctor and expect workers' comp to pay for it, at least not without consequences.

There are important exceptions. In a genuine emergency, you may seek care at any facility without prior authorization. If the authorized treating physician is not providing adequate care or has a conflict of interest, you may petition the NC Industrial Commission to change providers. And you always have the right to obtain a second opinion, though how that opinion is handled in your claim depends on timing and circumstances.

Injury Occurs

*Seek emergency care if needed
immediately*



Employer Directs Care

*Follow employer's posted medical provider
— or go to ER if emergency*



Initial Treatment & Diagnosis

*Tell doctor it's work-related. Get copies of all
records.*



Authorized Treatment Continues

*Follow all doctor's orders. Attend every
appointment.*



Maximum Medical Improvement (MMI)

The point where your condition has stabilized — triggers PPD evaluation

⚠ Do Not See Your Own Doctor Without Authorization

If you see a doctor outside the employer-directed medical system without authorization, the insurer will likely refuse to pay for that treatment—and may argue those visits reveal a pre-existing condition unrelated to your workplace injury. This does not mean you have no options if you disagree with your treatment, but changing providers must be done through proper channels. Your attorney can help you navigate this correctly.

The Independent Medical Examination: The Doctor Who Works for Them

One of the most important things to understand about workers' compensation medical care is the independent medical examination, or IME. Despite the word "independent," an IME is not independent in the way you might hope.

An IME is a medical examination requested and paid for by the insurance company. The doctor who conducts it is selected by the insurer, compensated by the insurer, and writes a report for the insurer. The purpose of the IME, from the insurer's perspective, is to obtain a medical opinion that either disputes your treating doctor's findings or justifies a reduction in your benefits.

You are generally required to attend a scheduled IME as part of the workers' compensation process. If you refuse without a valid reason, it can jeopardize your claim. But attending does not mean you are defenseless.

YOUR TREATING DOCTOR	INSURANCE IME DOCTOR
Chosen or approved by your employer/insurer	Hired by the insurance company
Ongoing relationship with you as a patient	Sees you once — for the exam only
Goal: treat your condition and restore health	Goal: produce a report that benefits the insurer
Records every visit, treatment, and response	One written report; no follow-up care
Can be changed, with justification and NCIC approval	Used to dispute your treating doctor's findings

Your Rights During an IME

- You have the right to know the name and specialty of the examining doctor before the appointment.
- You may bring a supportive person to the examination (though they may not always participate in the exam itself).
- You are entitled to a copy of the IME report.
- Your attorney can obtain a written rebuttal from your treating physician if the IME report is inaccurate or unfair.
- If the IME doctor's opinion differs dramatically from your treating physician, you can often obtain a second opinion of your own choosing. However, this is not automatic—talk to a workers' comp lawyer.

What to Do During an IME

Be accurate and complete. Do not minimize your symptoms or try to appear less injured than you are. Describe your pain, your limitations, and how your injury affects your daily life honestly and thoroughly. The IME doctor is writing a report so make sure that report reflects your actual condition. Your attorney can help you prepare for the IME.

Surgery: Authorization, Refusal, and Settlement Impact

Surgery is one of the most significant, and most contentious, aspects of workers' compensation medical treatment. Whether you need surgery, whether the insurer will authorize it, whether you can refuse it, and how it affects your settlement are all critical questions.

Surgery and Workers' Comp: What You Need to Know

Can I refuse recommended surgery?

Yes. You have the right to refuse a surgical procedure. However, if your refusal is deemed unreasonable by the NCIC, it can affect your benefits — including wage replacement. Get a second opinion before refusing surgery that could aid your recovery.

Does surgery increase my settlement value?

Generally, yes. A surgical case typically has a higher settlement value because it demonstrates the severity of the injury, increases medical costs, and often results in more significant permanent impairment ratings. But timing matters: settle only after you reach MMI.

What if I want surgery but the insurer won't authorize it?

This is one of the most common disputes. The insurer can direct your care but cannot lawfully deny treatment that your

authorized treating physician deems medically necessary. Your attorney can file a motion to compel authorization. The insurer can, however, send you to their own IME doctor to try and refute the need for that care.

Who authorizes my surgery?

Your authorized treating physician recommends surgery. The workers' comp insurer must approve it. If they delay or deny authorization, your attorney can seek an emergency NCIC order to compel it — as Reid has done for clients like Ashley M.

Reid Acree has fought for clients who were waiting on surgery authorization while their conditions worsened. Ashley M's review above tells the story directly: when the insurance company delayed, he intervened and she had her surgery without waiting. That is what it means to have an attorney working for you and not just filing paperwork.

Maximum Medical Improvement: The Most Important Milestone

Maximum Medical Improvement (MMI): The Critical Turning Point

MMI is the point in your recovery when your authorized treating physician determines that your condition has stabilized — meaning further medical treatment is unlikely to produce significant improvement. You may still be in pain. You may still have permanent limitations. MMI does not mean you are “fully healed.” It means your condition has reached its maximum improvement with medical care.

Why MMI matters: Once you reach MMI, several important things happen:

- Your wage replacement benefits may end depending on your ability to return to work.
- A physician assigns a permanent impairment rating, which determines your PPD benefit calculation.
- Settlement negotiations typically intensify after MMI — this is when the insurance company will try hardest to close your case.
- Do NOT settle before reaching MMI. You cannot fully know the value of your claim until the full extent of your permanent injury is established.

The period between reaching MMI and signing a settlement is one of the most dangerous in any workers' compensation case. Insurance companies know that injured workers are often struggling financially by the time MMI arrives, and they may offer quick settlements that seem attractive at the moment but are far below what the claim is actually worth.

A workers' compensation attorney calculates the full value of your claim based on whether you can return to work, and if so, in what capacity, your impairment rating, your age, your pre-injury wage, the cost of future medical treatment, and the likely trajectory of your disability. That calculation takes experience and case-specific knowledge. Do not sign a settlement without it.

✓ **Wait for MMI Before You Settle**

The most common financial mistake injured workers make is accepting a settlement before they have reached MMI and received a permanent impairment rating. Once you sign a settlement agreement and the NCIC approves it, you cannot go back. A settlement reached prematurely may not cover future medical treatment, future wage loss, or the full extent of your permanent disability. Wait, get legal advice, and settle when you know the full picture.

Protecting Yourself Throughout Medical Treatment

From the first appointment to the final MMI determination, there are things you should be doing consistently to protect your health and your claim. Most injured workers do not know these practices exist. The insurance company is counting on that.

Protecting Your Claim Throughout Medical Treatment

- Attend every scheduled appointment. Missing appointments creates claim-damaging gaps in your medical record.
- Follow your doctor's orders completely: medications, physical therapy, activity restrictions.
- Report all symptoms at every visit. Do not minimize pain to seem tough. Conditions not in the record are hard to claim later.
- Keep personal notes after every appointment: what the doctor said, what was prescribed, how you feel.
- Never sign a medical release giving the insurance company unlimited access to your entire medical history.
- If referred to a specialist, confirm authorization through the insurer before the appointment to avoid billing disputes.
- If your employer's insurer denies a referral or treatment your doctor recommends, contact your attorney immediately.
- Before reaching MMI, do not accept any settlement. The full extent of your injury may not yet be known.

Choosing the Right Doctor When You Can

The treating physician in a workers' compensation case is one of the most influential figures in your claim. Their diagnoses, treatment recommendations, work restrictions and impairment rating drive the value of your case. A physician who is experienced with occupational injuries and workers' compensation documentation will serve your interests far better than one who is unfamiliar with the process.

When you have a choice, ask your attorney for guidance. The right treating physician—experienced, thorough, and as independent of insurer influence as possible, can make a difference in the outcome of your claim.

The Grocery Store Test

Ashley M put it best in her review: Reid Acree “passes the grocery store test.” That means you should be comfortable seeing your attorney, and your doctor, in public, knowing they treated you with honesty and respect. Find a treating physician who takes your injury seriously, documents your symptoms accurately, and communicates clearly. A good doctor and a good attorney working together are your most powerful assets in a workers' comp case.

Your Treatment. Your Recovery. Your Rights.

When the insurance company delays your surgery, disputes your diagnosis, or uses an IME to cut your benefits — you need an attorney who will fight back. Reid Acree has done exactly that for injured workers across North Carolina for nearly three decades.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 7

Wage Replacement Benefits: TTD, TPD, PPD, PTD and What You're Actually Owed

★★★★★

“Reid Acree is an outstanding attorney — he totally walked with me through my workers’ comp case and my SSD case. He is not only intelligent but he also cared about my well-being. He won my case and I trusted him EVERY step of my journey.”

— P.L.N. — Google Review

When a workplace injury takes you out of work, your paycheck stops. Your bills don't. Rent, mortgage, groceries, utilities, car payments—none of these pause while you recover. The financial pressure that follows a serious work injury can be just as devastating as the physical pain.

Workers' compensation wage replacement benefits exist to bridge that gap. But these benefits are more complicated than most injured workers realize. There are different types, different calculation methods, strict caps and waiting periods, and countless ways the insurance company can reduce or cut off what you are owed.

This chapter explains every type of wage replacement benefit available in North Carolina, how each one is calculated, what limits apply, and how settlements are determined.



TTD

Temporary Total Disability

Cannot work at all — 2/3 of average weekly wage



TPD

Temporary Partial Disability

Working reduced hours or lower-paying job



PPD

Permanent Partial Disability

Permanent impairment — rated by body part



PTD

Permanent Total Disability

Cannot return to any work — long-term benefits

The Four Types of Workers' Comp Wage Replacement Benefits

North Carolina workers' compensation provides four different types of wage replacement benefits, each corresponding to a different stage or severity of your disability. Understanding which type applies to your situation is the first step in knowing what you are owed.

<p>TTD</p> <p><i>Temporary Total Disability</i></p>	<p>You cannot work at all due to your injury. Pays 2/3 of your average weekly wage, up to the state maximum (\$1,4460/week in</p>
--	---

	<p>2026). Continues until you can return to work for up to 500 weeks, or beyond if a total loss of wage earning capacity can be shown.</p>
<p>TPD <i>Temporary Partial Disability</i></p>	<p>You can work limited hours or lighter duty, but earn less than before. Pays 2/3 of the difference between your pre-injury wage and current earning capacity. Also subject to the 500-week cap.</p>
<p>PPD <i>Permanent Partial Disability</i></p>	<p>You have reached MMI with a permanent impairment. Paid as a lump sum based on impairment rating × scheduled weeks × your comp rate. Example: 10% back impairment = 30 weeks of benefits.</p>

<p>PTD <i>Permanent Total Disability</i></p>	<p>Your injury permanently prevents you from working any job. Provides wage replacement benefits for the rest of your life, with no 500-week cap. These cases require the most aggressive representation.</p>
---	---

Calculating Your TTD Benefits: Step by Step

Temporary Total Disability (TTD) is the most common wage replacement benefit and the one most injured workers encounter first. Despite its importance, many injured workers never verify whether the amount they are receiving is actually correct. Insurance companies make mistakes and some of those mistakes are not accidents.

How TTD Benefits Are Calculated — A Plain English Example

Step 1: Find your Average Weekly Wage (AWW):

Add up your total earnings from the 52 weeks before your injury, then divide by 52. Include overtime, bonuses and commissions. If you worked less than 52 weeks, it can get complicated. This is especially true in temporary employment.

Step 2: Multiply AWW by 2/3:

Your TTD benefit is two-thirds (66.67%) of your average weekly wage.

Step 3: Apply the state maximum:

In 2026, the maximum TTD benefit is \$1,446 per week, regardless of how much you earned. No worker can receive more than this cap.

Example:

If your AWW was \$900/week: $\$900 \times 0.6667 = \600.00 /week in TTD benefits. If your AWW was \$2,500/week: TTD would be \$1,666 — but capped at \$1,446/week.

The 7-Day Waiting Period:

TTD benefits do not begin on Day 1. There is a 7-day waiting period before benefits start. However, if your disability lasts more than 21 calendar days, you are paid retroactively for those first 7 days.

⚠ Get Your Benefit Calculation Verified

Insurance companies calculate your average weekly wage, and they do not always get it right. They may exclude overtime that was a regular part of your pay. They may use the wrong base period. They may miscalculate your commission or tips. A difference of even \$50 per week over 500 weeks is \$25,000. Have your attorney verify that the amount you are receiving is accurate.

Permanent Partial Disability: What Your Body Part Is Worth

When you reach Maximum Medical Improvement (MMI) with a permanent impairment, North Carolina law provides compensation through a Permanent Partial Disability (PPD) benefit. The system uses a schedule of “weeks of compensation” assigned to specific body parts, the more significant the body part, the more weeks are considered. (For example, an “arm” is worth more than a “finger”).

Your impairment rating, assigned by your treating physician as a percentage of total loss of use of that body part, is then multiplied by the scheduled weeks to determine how many weeks of benefits you receive. Those weeks are paid at your established compensation rate.

Body Part	Scheduled Weeks
Back (spine)	300 weeks
Arm (at/above elbow)	240 weeks
Leg (above knee)	200 weeks
Hand	200 weeks
Foot (below knee)	144 weeks
Eye	120 weeks
Thumb	75 weeks
Index finger	45 weeks
Organ damage	Up to \$20,000

How PPD Is Actually Calculated

Example: You suffered a back injury with a 10% permanent impairment rating. The scheduled weeks for a back injury is 300. $10\% \times 300 \text{ weeks} = 30 \text{ weeks of PPD benefits}$. At a compensation rate of \$800/week, that equals \$24,000 in PPD benefits. A higher impairment rating, a more significant body part, or a higher pre-injury wage all increase the value.

The 500-Week Cap and Permanent Total Disability

The 500-Week Cap

In North Carolina, Temporary Total Disability and Temporary Partial Disability wage replacement benefits are subject to a 500-week maximum. That is roughly 9.6 years of benefits.

The 500-week clock begins from the date of your first wage loss payment and not the date of your injury. **Exception: Permanent Total Disability (PTD) is not subject to the 500-week cap. PTD provides lifetime wage replacement for workers who are permanently unable to perform any employment.**

Permanent Total Disability is reserved for workers whose injuries are so severe that they are permanently incapable of gainful employment of any kind. Under North Carolina law, certain injuries are presumed to be PTD, including the loss of both hands, both feet, both eyes, or any two of these. Other workers may qualify for PTD based on a combination of physical limitations, age, education, and inability to be retrained for any suitable employment.

PTD cases are the highest-stakes cases in workers' compensation. Insurance companies fight them aggressively because lifetime benefits represent enormous financial exposure. If you believe your injuries may qualify for Permanent Total Disability, do not navigate that claim without experienced legal counsel.

Pain and Suffering: The Honest Answer

⚠ Does Workers' Comp Pay for Pain and Suffering?

This is one of the most common questions injured workers ask, and the honest answer is: no.

Workers' compensation in North Carolina is a no-fault system. In exchange for giving up most rights to sue your employer, you receive guaranteed medical care and wage replacement benefits. Pain and suffering damages, the kind you could recover in a personal injury lawsuit, are not available through workers' comp.

However, the value of your permanent impairment rating does reflect physical loss.

And if a third party's negligence contributed to your injury- for example, a defective piece of equipment made by another company, you may have a separate personal injury claim against that third party, where pain and suffering damages are available. This is another reason why every serious work injury deserves an attorney's review.

How Workers' Comp Settlements Are Calculated

Most North Carolina workers' compensation cases ultimately resolve through a settlement, a lump-sum payment that closes out some or all of your claim. A settlement can be structured as a clincher agreement (closing out the entire claim, including future medical) or as a partial settlement that resolves wage claims while leaving medical treatment open.

Understanding what goes into your settlement calculation, and what the insurance company is likely to offer versus what your claim is actually worth, requires legal expertise. Here are the primary factors that determine settlement value:

What Goes Into a Workers' Comp Settlement Calculation?

Medical Expenses:

Past unpaid medical costs and a projection of future treatment needs — surgeries, medications, physical therapy, specialist care.

Wage Replacement Benefits:

Unpaid TTD/TPD you are still owed, plus any disputed periods where benefits were improperly cut off.

Permanent Partial Disability (PPD)

Rating:

Your impairment rating × scheduled weeks × your compensation rate. The body part, the percentage, and your wage all matter.

Earning Capacity Loss:

If your injury permanently limits the type of work you can do or the wages you can earn, that loss has value in a settlement.

Age and Life Expectancy:

Younger workers with permanent injuries can have a higher settlement value because they will live with the limitations longer. However, older workers may be less likely to return to work because frankly, older workers do not heal as well as younger workers.

Pre-existing Conditions:

Insurers will argue that pre-existing conditions reduce your claim value. An attorney knows how to counter this argument.

Insurance Company Posture:

Rarely will an insurer settle fairly. They usually fight every dollar. Your attorney's experience with the specific carrier and defense attorney matters.

The Maximum Settlement: What North Carolina Law Allows

There is no single “maximum” workers’ compensation settlement in North Carolina, the value of each claim is unique to the injured worker’s circumstances. However, the state’s benefit caps establish mathematical ceilings on certain components. The 500-week TTD maximum at the \$1,446/week cap, for example, represents a ceiling of \$723,000 in TTD benefits alone. PPD values depend on body part and impairment rating. Future medical value depends on the severity of the injuries and longevity of treatment needs.

A serious workers’ compensation case, involving surgery, permanent impairment, and long-term wage loss, can have a settlement value in the hundreds of thousands of dollars. Insurance companies know this. They will work to settle quickly, before you know what your case is worth. They will use the financial pressure of your lost wages to push you toward a number that benefits them.

✓ Know Your Number Before You Settle

An experienced workers' compensation attorney calculates the full value of your claim before any settlement discussion begins. That calculation considers every benefit component, the likely trajectory of your medical condition, your earning capacity loss, and the insurance company's historical settlement patterns. You should never go into settlement negotiations without that number in hand.

★★★★★

“Reid is a FIERCE adversary and will fight to make sure you receive all of the benefits available under the law — not one cent less.”

— L.T. Baker — Google Review

You Are Owed Every Dollar That's in That Calculation.

Reid Acree has spent nearly three decades ensuring that injured workers receive the full measure of what North Carolina law entitles

them to — not what the insurance company decides to offer.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 8

When They Fight Back: Denials, Delays, Retaliation & Appeals



“Our case was complicated, and Reid kept our best interest in mind at all times. Very satisfied with the outcome. I STRONGLY recommend Reid Acree.”

— Cassie S. — Google Review

You filed your claim. You did everything right. You reported the injury, saw the doctor, and filled out the forms. And then you got the letter.

“Your workers’ compensation claim has been denied.”

Or maybe benefits that were flowing suddenly stopped. Or the insurance company authorized your treatment and then reversed course. Or you went back to work on light duty and found a termination notice waiting for you.

Insurance companies and employers fight back. It is not personal, it is financial. Every dollar they do not pay you is a dollar they keep. Denials, delays, disputes, and retaliation are expected in the North Carolina workers’ compensation system. They are common tactics. This chapter tells you exactly what to do when it happens.



Why Claims Get Denied—And What to Do When Yours Is

A denial letter is not the end of your claim. It is the beginning of a fight. Understanding why your claim was denied is the first step in knowing how to challenge it.

Common Denial Reason	What It Means for You
Late reporting	You did not report within 30 days — or the insurer claims you didn't.
Pre-existing condition	The insurer argues your injury is from a prior condition, not your job.

No witness to the accident	The insurer disputes whether the accident happened in the first place.
Unauthorized medical care	You saw a doctor outside the employer-directed system.
Intoxication or misconduct	The insurer alleges you were under the influence or violated a safety rule.
Independent contractor status	The insurer argues you were a contractor, not an employee, and thus not covered.
Delayed treatment	A gap between your injury and first medical visit gives room for dispute.
Injury not work-related	The insurer claims the injury happened off the clock or outside the scope of employment.

Every one of these denial reasons is contestable with the right evidence and legal strategy. A denied claim is not a final determination; it is the insurance company's opening position. Your attorney's job is to dismantle that position with facts, medical evidence, witness testimony, and legal arguments.

Immediate Steps After a Denial

1. Read the denial letter carefully.

It should state the specific reason for denial. This is critical information for your appeal.

2. Do not accept the denial.

A denied claim is not a closed claim. Most denials can be challenged.

3. Call a workers' comp attorney immediately.

The earlier in the process you have representation, the more options you have.

4. Continue all medical treatment.

Do not stop treatment because your claim was denied. Get care however you can—health insurance, Medicare, Medicaid or self-pay. Document everything and keep all bills.

5. Preserve all evidence.

Gather every document, photograph, witness contact, and communication related to your claim.

6. File Form 33 to request a hearing.

Your attorney will file Form 33 with the NC Industrial Commission to formally contest the denial.

7. Prepare for mediation.

Most contested claims go through NCIC-required mediation before a formal hearing is scheduled.

⚠ Do Not Miss the Appeal Deadline

In North Carolina, you have the right to contest a workers' compensation denial by filing Form 33 with the NC Industrial Commission and requesting a hearing. But there can be time limits. If you wait too long to file your hearing request, the insurer may argue unreasonable delay or "lack of causation" because of that delay. Contact an attorney immediately when you receive a denial — do not wait to see what happens.

Benefit Delays and Cutoffs: The Other Way Insurers Fight

A formal denial is not the only way the insurance company can make your life difficult. Sometimes they accept your claim initially and then find ways to reduce, delay, or stop benefits later in the process. These tactics are often more subtle than a denial letter, and many injured workers do not recognize them for what they are until significant damage has been done.

- Cutting off TTD benefits without reason. There is no “bad faith recovery” in NC workers’ comp and one particular defense firm routinely does this. (They know they will not be punished and the only way to get the benefits reinstated is to go to a hearing).
- Refusing to authorize medical treatment your doctor has recommended, citing a review by an IME doctor who has never treated you. Or just denying because they can.
- Claiming you have reached MMI prematurely, before your condition has actually stabilized.
- Disputing your average weekly wage calculation to reduce your benefit rate.
- Delaying benefit payments without explanation, knowing the financial pressure will push you toward a quick, undervalued settlement.
- Offering a low settlement immediately after a serious injury, before the full extent of permanent damage is known.

If any of these tactics are being used in your case, document them. Note the dates, the communications, what was said and by whom. Then call an attorney. These are not gray areas, they are recognizable patterns which an experienced workers’ comp attorney will know exactly how to address.

Retaliation: When Your Employer Crosses the Line

North Carolina General Statute §97-6.1 explicitly prohibits employers from retaliating against workers for filing a workers' compensation claim, for reporting a workplace injury, or for testifying in a workers' comp proceeding. Retaliation is illegal.

That does not mean it does not happen. It happens regularly. Employers, sometimes acting on advice from their insurance carrier's representatives, find ways to make life difficult for workers who file claims. They do not always do it overtly. They won't say "we're firing you because you filed a claim." They may simply find other reasons.

Signs of Illegal Employer Retaliation

- Termination or layoff shortly after you filed or reported your claim.
- Sudden change in work schedule, duties, or location following your injury report.
- Demotion or pay cut tied to your claim or injury.
- Exclusion from team meetings, communications, or decisions in which you were previously included.
- Hostile treatment, harassment, or threats from supervisors after filing.
- Being passed over for promotion or training opportunities for which you were on track.
- Pressure to resign, retire early, or accept an inadequate settlement.

- Surveillance or monitoring beyond what is normal for your workplace.

What You Can Do If You Experience Retaliation

The most important thing you can do is document everything. Write down dates, times, what was said, and who was present. Keep copies of emails, texts, and written communications. Identify witnesses who observed the change in how you were treated.

Retaliation claims in workers' compensation are separate from the underlying injury claim, and they carry their own legal remedies. If your employer retaliated against you for filing a claim, you may be entitled to reinstatement, back pay, attorney fees, and additional damages. An attorney can advise you on the full scope of what you are owed. Those benefits are NOT covered under NC workers' comp law but under NC employment law. Reid can refer you to a good employment attorney.

The Right to Your Job—And the Limits

Your employer does not have an absolute obligation to hold your job open indefinitely while you recover. What they cannot do is terminate you because you filed a claim. The distinction matters, and so does the timing. A termination that occurs the week after you file looks very different from one that occurs eighteen months into a

documented recovery. Document everything and let your attorney evaluate the facts.

★★★★★

“Reid and his team are amazing at what they do. You will never be left unknowing what’s going on at any moment. Reid strongly cares about his clients and their families. I am extremely satisfied with the outcome and would recommend him 100%.”

— Ryan C. — Google Review

Working While on Workers’ Comp: What the Rules Actually Are

One of the most common sources of confusion, and benefit cutoffs, involves what you can and cannot do while receiving workers’ compensation benefits. Many injured workers do not know the rules and inadvertently put their benefits at risk.

<p>You CAN you do while receiving comp:</p>	<p>But don't do these:</p>
<p>Follow all medical restrictions and treatment</p>	<p>Working any job above your restrictions— you may further injure yourself or the employer may think you are not hurt.</p>
<p>Accept light duty if offered and within your assigned restrictions</p>	<p>Posting on social media suggests you are more capable than claimed.</p>
<p>Work a second job you held before the injury and IF that job is within assigned restrictions</p>	<p>Starting a new job with greater physical demands than your restrictions.</p>
<p>Receive Social Security Disability alongside workers' comp (with offset)</p>	<p>Quitting your job — this is the worst thing you can do to harm your case.</p>
<p>Look for work within your medical restrictions</p>	<p>Resigning without legal advice — can affect your long-term claim value</p>

What Happens If You Quit Your Job?

If you voluntarily quit your job while receiving workers' compensation benefits, it can have serious consequences for your wage replacement benefits. Quitting is treated as a voluntary removal from the labor market, and will likely result in your TTD benefits being suspended.

This does not mean you are trapped. There are situations where leaving a job is legally and practically appropriate, for example, if your employer is requiring you to work beyond your medical restrictions. But before you make any decision about your employment while your claim is active, talk to your attorney. The consequences of getting this wrong are significant.

Can You Sue Your Employer?

Can You Sue Your Employer? No, but there is a Third-Party Exception

Generally, no. North Carolina's workers' compensation system is an exclusive remedy, meaning that by participating in the system, your employer is protected from civil negligence claims.

However, you may still be able to file a personal injury lawsuit against a third party—someone other than your employer who contributed to your injury. Common examples include:

- A manufacturer of defective equipment or machinery that failed and caused your injury
- A driver who caused a motor vehicle accident while you were working (delivery driver, sales rep, etc.)
- A general contractor or subcontractor on a construction site who is not your direct employer

- A property owner whose negligence created the dangerous condition that injured you

A third-party lawsuit can recover damages that workers' comp does not cover, including pain and suffering and loss of enjoyment of life. If you believe a third party contributed to your injury, tell your attorney. These cases require quick action since evidence disappears, witnesses forget and statutes of limitations apply.

Do All Workers' Comp Cases End in Settlement?

No, but most do. In North Carolina, the large majority of workers' compensation cases ultimately resolve through a negotiated settlement rather than a full contested hearing before the NC Industrial Commission. Settlements provide finality for both sides and avoid the time and uncertainty of a hearing.

However, not all settlements are equal. A settlement reached early in a case, before MMI, before the full extent of permanent impairment is known, before all medical treatment needs are assessed, can dramatically undervalue your claim. An insurance company offering you a quick settlement in the weeks after a serious injury is not doing you a favor. They are trying to close a claim they know is worth more.

A denied claim that does not settle will ultimately be decided by a Deputy Commissioner at a hearing. Hearings are formal proceedings with real consequences. Some cases genuinely require a hearing to achieve a fair

outcome. Having an attorney who is prepared to take your case all the way, and who the insurance company knows will do exactly that, is a significant negotiating advantage at settlement time. (Many workers' comp attorneys won't go to hearing and this severely affects the value of a case—the insurer knows this and settles cheaply because the attorney “always settles.”)

✓ A Denial Is Not the End. It's a Starting Point.

The workers' compensation system is adversarial by design. Insurance companies have lawyers, investigators, and IME doctors working against you from day one. But the law is on your side—that is, if you know your rights.

They're Fighting. Are You?

From the moment a claim is filed, the insurance company has experienced defense lawyers working to minimize what they pay you. Reid Acree has spent nearly three decades on the other side of that table—fighting for injured workers who refused to accept less than what the law allows.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 9

Settlements: What to Know Before You Sign Anything

★★★★★

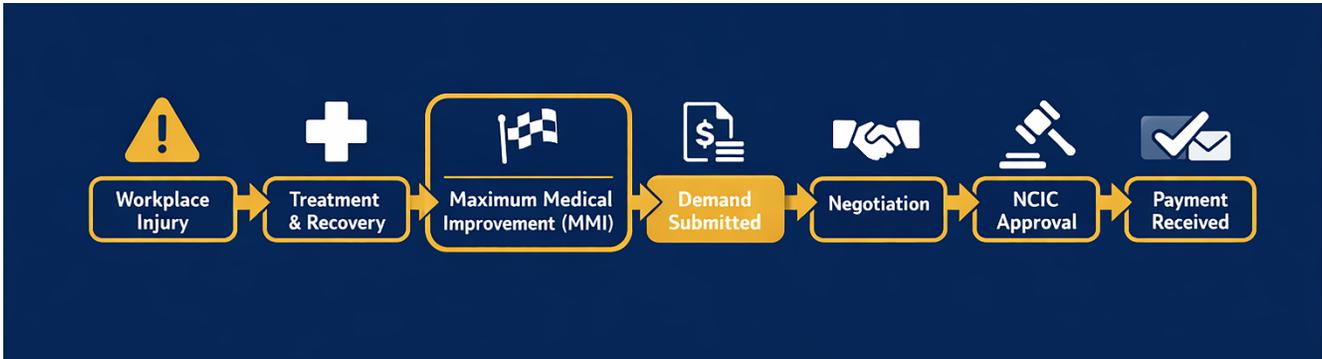
“Reid was always steady as a rock and reassuring — the voice of reason and experience. That admonition to be patient worked out for me, and my outcome was much better than I anticipated. I contacted his offices looking for a lawyer. I ended up with a friend.”

— Tim P. — Google Review

The settlement offer lands in your attorney’s inbox. A number. A document. A moment that could define the next decade of your financial life.

For many injured workers, the workers’ compensation settlement is the most significant financial transaction they will ever navigate. It can be the difference between a secure recovery and years of financial hardship. It can be fair, or it can leave you with far less than your injury is worth.

This chapter explains what you need to know about workers’ compensation settlements in North Carolina: what types exist, how they are calculated, when to settle and when to wait, what red flags signal a bad offer, and exactly what happens after you sign. Read this chapter before you make any settlement decision.



The Three Types of Workers' Comp Settlements in NC

Not all settlements are the same. Before you evaluate any offer, you must understand what type of settlement is on the table, because the structure of the agreement determines what rights you keep and what rights you give up forever.

Clincher Agreement (Full & Final)	Form 26 Partial Settlement	Open Medical Settlement
<p>Closes out the ENTIRE claim — both wages and medical. Once signed and NCIC approves, the insurer has no further obligations. You give up all future rights to workers' comp benefits for this injury. The highest-risk type of settlement.</p>	<p>Resolves specific benefit disputes (e.g., a PPD rating and unpaid TTD) while allowing potential medical care for a certain period. Future medical care may still be available but is often contested by the insurer.</p>	<p>Settles wage benefits as a lump sum but keeps future medical treatment open under workers' comp. This type of settlement is uncommon but sometimes utilized when Medicare is involved. (it's complicated—ask your attorney why).</p>
<p>HIGH RISK — get legal review</p>	<p>Still HIGH RISK because medical care may not be protected</p>	<p>LOWER RISK because allows for future medical care</p>

⚠ A Clincher Is Permanent

A “clincher agreement,” also called a full and final settlement, closes your entire workers’ compensation claim once the NC Industrial Commission approves it. That includes all future wage loss and medical treatment related to your injury. If your condition worsens, if you need additional surgery, if you develop complications years later, you have no workers’ comp recourse. The insurer is done. This is why timing and legal review are not optional on a clincher. They are essential.

The Settlement Timeline: When to Settle and When to Wait

Timing is one of the most important variables in any settlement. The insurance company wants to settle early, before the full cost of your injury is known. You benefit from waiting until the picture is complete.

Step 1 — Injury Occurs

The clock starts. Evidence, medical records, and documentation—begin accumulating.

Step 2 — Claim Filed & Accepted

Insurer begins paying benefits. Settlement talks are premature — stay focused on recovery.

Step 3 — Medical Treatment Continues

Follow all doctor's orders. Every visit, every diagnosis, every restriction matters.

Step 4 — MMI Reached

Your medical condition has stabilized. Impairment rating is assigned. Permanent work restrictions may be assigned. Now settlement becomes possible.

Step 5 — Settlement Demand Prepared

Attorney calculates full claim value: medical, wages, PPD, future needs, earning capacity.

Step 6 — Negotiation & Mediation

Offers and counteroffers. Most cases settle here. Your attorney knows what the case is worth.

Step 7 — NCIC Approval

All workers' comp settlements in NC must be approved by the Industrial Commission before they are final.

The Single Most Important Rule: Wait for MMI

Reaching Maximum Medical Improvement should be the precondition for any meaningful settlement evaluation. Before MMI, you do not know: the full extent of your permanent impairment, your final impairment rating, whether

additional surgery will be needed, the long-term cost of your medical care, or the true impact of the injury and resulting physical limitations on your ability to earn wages.

Settling before MMI means settling before you know what your case is worth. Insurance companies know this. That is precisely why they push for early settlements. Their financial exposure is lower early in the case than it will be after a surgeon assigns a significant permanent impairment rating and permanent physical restrictions.

The Patience Principle

Tim P's review at the top of this chapter says it better than any legal explanation: "That admonition to be patient worked out for me, and my outcome was much better than I anticipated." Patience, guided by an experienced attorney who knows when to negotiate and when to hold, is one of the most valuable things you can bring to a settlement process.

What Goes Into the Settlement Calculation

A workers' compensation settlement in North Carolina is not an arbitrary number. It is built from specific, calculable components. An experienced attorney assembles these components into a total demand figure before any negotiation begins.

- Past unpaid medical expenses: all costs already incurred from the date of injury through the settlement date.
- Future medical expenses: projected costs for ongoing treatment, medications, surgeries, physical therapy, and specialist care that will be needed after the settlement.
- Unpaid or disputed wage replacement benefits: any TTD or TPD that was improperly reduced, delayed, or denied.
- Permanent Partial Disability (PPD) benefit value: impairment rating × scheduled weeks × compensation rate (see Chapter 7).
- Earning capacity loss: the difference between what you earned before and what you can earn now, based on the permanent physical restrictions assigned by your doctor, as well as your age, education, work experience and transferable skills.
- Vocational rehabilitation costs: retraining and job placement assistance if you cannot return to your prior occupation.
- Dealing with Medicare, Medicaid, and other potential liens to make sure you don't get stuck having to repay medical bills. (It would stink to receive a monetary settlement and have a health plan send you a bill for medical care.

Needs to be dealt with on the front end).

Does Surgery Increase My Settlement Value?

Yes, generally. A surgical case demonstrates the severity of your injury in ways that a conservative-care case cannot. Surgery increases medical costs, typically results in a longer recovery, often results in more wage loss, produces a more significant permanent impairment rating, and may affect your ability to return to your prior employment. All of these factors increase settlement value.

However, the settlement should not be pursued immediately after surgery. Surgery is a medical event, not a settlement trigger. Wait until you have healed from the surgery, undergone any necessary post-surgical rehabilitation, and your treating physician has said you are at MMI and assigns permanent restrictions and an impairment rating. That is the moment when the full value of your case, including the surgical component, can first be calculated. Before that, the values are speculative.

Red Flags: When to Be Suspicious of a Settlement Offer

Most settlement offers made by insurance companies before your attorney is involved are lowball offers. That is not a cynical view, it is the documented reality of how insurance companies manage workers' compensation claims. Workers' comp insurance is one of the most profitable for insurers because they take in enormous premiums and try to pay out very little in benefits. Knowing the red flags helps you recognize a bad offer for what it is.

⚠ Red Flags: When a Settlement Offer Should Concern You

It comes very early in your case — before MMI

The insurer is trying to close out a claim they know will cost more as it develops.

It is a full clincher and they are pushing you to sign quickly

Once you sign and the NCIC approves, there is no going back. Never rush a clincher.

The offer does not account for future medical treatment

If you will need ongoing care, surgery, or medications, those costs must be considered.

The insurer is applying financial pressure by delaying or reducing your TTD

This is a negotiating tactic. They are hoping desperation will make you accept less.

You are being asked to sign without having an attorney review the agreement

A settlement agreement is a complex legal document. The insurer's attorney drafted it in their favor. You need your own attorney.

★★★★★

“I would not have known any of the ins and outs of this whole process without Reid. I highly recommend him to anybody with a workers’ comp case. Reid treats you like an old friend and he will represent you like that.”

— T. Smith — Google Review

How to Maximize Your Settlement Value

The settlement value is not fixed. It is influenced by the quality of your documentation, the strength of your medical evidence, the expertise of your attorney, and the strategic choices made throughout your case. Every action you take from the day of your injury either builds or diminishes your settlement value.

How to Maximize Your Settlement Value

Stated previously, but key:

Report immediately and in writing:

Late or verbal-only reporting gives insurers grounds to dispute the injury's origin and timeline.

Get comprehensive medical care from day one:

Every condition, every symptom, every injured body part must be in the medical records. What is not documented does not count.

Follow all medical advice without gaps:

Missing appointments or stopping treatment suggests you are not seriously injured. Gaps hurt settlement value.

Do not give a recorded statement without an attorney:

Anything you say informally to an adjuster can and will be used to deny or minimize your claim.

Do not release your full medical history:

A broad medical release allows the insurer to go on a "fishing expedition" to find every medical condition to use against you—even prior unrelated conditions like past psychological care, alcohol abuse and depression.

Wait for MMI before settling:

You cannot know the full value of your claim until your condition has stabilized and an impairment rating is assigned.

Hire an experienced, board-certified workers' comp attorney:

Studies consistently show that represented claimants receive significantly higher settlements than unrepresented ones.

After You Settle: What Happens Next

Many injured workers focus entirely on reaching a settlement and have little understanding of what comes after. The process between a settlement agreement and money in your pocket involves several important steps, and any one of them can affect the final amount you receive.

What Happens After a Settlement Is Reached?

Agreement is drafted:

The insurer's attorney prepares the settlement documents. Your attorney reviews every line and makes changes to protect your interests. For example, if you are on Social Security Disability and don't

add the proper protective language to the agreement, your SSD can get cut off.

NCIC approval is required:

All workers' compensation settlements in North Carolina must be approved by the NC Industrial Commission before they are legally binding. The NCIC reviews to ensure the agreement is fair to the injured worker.

Attorney fees are reviewed:

Workers' comp attorney fees in NC must also be approved by the NCIC. The standard contingency fee is 25% of the settlement, subject to Commission review and approval.

Payment is issued:

Once the NCIC approves, the insurer has a set period to issue payment. Your attorney receives the check and distributes funds after deducting approved fees and any outstanding medical liens.

Medical liens may apply:

If you received treatment paid by Medicare, Medicaid, or your health insurer, they may have a lien on your settlement proceeds. Your attorney identifies and resolves these before distribution.

What About Taxes?

Workers' compensation settlements and benefits in North Carolina are generally not subject to federal or state income tax. However, if a portion of your settlement compensates for lost wages that would otherwise have been taxable, or if you are also receiving Social Security Disability benefits, there may be offset and tax implications that require review. Your attorney can advise on the specifics of your situation, and you may want to consult a tax professional for guidance on your individual circumstances.

When Settlement Is Not the Right Answer

Most cases settle. But not all of them should, at least not at the terms the insurer offers. Some cases are worth more than any settlement the insurer is willing to pay voluntarily. In many situations, the right path is a formal hearing before a Deputy Commissioner of the NC Industrial Commission.

A hearing is not a failure. It is a legal right. An injured worker who goes to a hearing with a well-prepared attorney, strong medical evidence, and a compelling factual record has a legitimate opportunity to receive an order awarding benefits that far exceed what the insurer was willing to settle for. Insurance companies know this. The credible threat of a full evidentiary hearing, by an attorney known to try cases, is itself a negotiating tool that produces better settlement outcomes.

✓ Settlement or Hearing — Your Attorney Makes the Call With You

The decision to settle or proceed to a hearing should never be made by the attorney alone. It is your case. Your attorney's job is to explain the realistic value of both options — what a fair settlement

looks like, and what a hearing could produce — and then advocate for the outcome you choose with every tool available. “This is YOUR case, not mine. I’m just your advocate through the process.” — Reid Acree

Before You Sign Anything — Call.

A settlement agreement is permanent. Once the NC Industrial Commission approves it, your rights under that claim are gone. Reid Acree reviews settlement offers, calculates what your case is actually worth, and negotiates to make sure you receive every dollar the law entitles you to.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 10

Occupational Disease: When Your Work Makes You Sick

★★★★★

“Reid Acree listened and believed in me when I tried to find an attorney who would help fight for my daughter and I from my husband’s occupational exposure cancer death. He went above and beyond the realms of any attorney I had spoken with and fought to get the compensation we were entitled to receive when the case was denied. I will forever be grateful to Mr. Acree as well as his wife for the kindness they showed us throughout the process of such a painful and emotional time in our lives.”

— Johnny G. — Google Review

Some workplace injuries happen in an instant— a fall, a cut, a machinery accident. Everyone understands those. But some of the most serious, most devastating, and most life-altering work-related conditions develop slowly, silently, over years or even decades of exposure to dangerous substances, repetitive conditions, or toxic environments.

Occupational diseases are not accidents. They are the result of what you breathed, what you touched, what you were exposed to, day after day, year after year, on the job. And yet they are just as compensable under North

Carolina's workers' compensation system as any traumatic injury, if you know how to navigate the claim.

This chapter covers what occupational diseases are, which conditions qualify, how the statute of limitations works differently than it does for accidents, what makes these cases more complex, and why experience matters so much when you are fighting an insurance carrier.

What Is an Occupational Disease?

An occupational disease, under North Carolina law, is a disease that is caused or aggravated by the conditions of employment, not a specific accident or incident, but the nature of the work itself over time.

To qualify as a compensable occupational disease in NC, the condition must meet two criteria: (1) it must be characteristic of and peculiar to a particular trade, occupation, or employment, meaning the risk is greater for workers in that field than for the general public; and (2) it must not be an ordinary disease of life to which the general public is equally exposed.

This distinction matters. A cold caught at the office is not an occupational disease. Lung cancer caused by decades of asbestos exposure at construction sites is. The law recognizes that workers in certain industries face elevated health risks that the rest of the population does not, and it provides a remedy for that.

Traumatic Workplace Injury	Occupational Disease
A specific, identifiable incident (fall, accident, lifting injury)	Develops over time from repeated exposures or conditions at work

Date of injury is clear	Date of injury may be the date of diagnosis, first symptom, or last exposure
Cause is usually obvious	Cause requires medical and exposure evidence — much harder to prove
2-year statute of limitations from date of accident	2-year statute from date the medical doctor says you have a disease and that it came from exposure at work
Standard workers' comp process	Same system, but more complex proof requirements — and often fought harder by insurers

Common Occupational Diseases Covered in NC

North Carolina's workers' compensation system covers a wide range of occupational diseases. Below are the most common conditions that generate claims, organized by the substances and working conditions that cause them.

Disease / Condition	Common Exposure Sources	Affected Industries
Mesothelioma and Lung Cancer	Asbestos fibers (insulation, roofing, shipbuilding materials)	Construction, shipyards, manufacturing, automotive

Asbestosis	Long-term asbestos inhalation	Construction, demolition, HVAC, flooring removal
Silicosis	Crystalline silica dust from cutting stone, concrete, masonry	Construction, mining, foundries, ceramics
Tobacco Workers' Pneumoconiosis	Tobacco dust inhalation	Tobacco manufacturing and maintenance work on tobacco machinery
Occupational Asthma	Dust, fumes, chemicals, latex, grain	Healthcare, agriculture, manufacturing, bakeries
Hearing Loss	Prolonged loud noise exposure (85+ dB)	Manufacturing, construction, printing, military
Dermatitis / Skin Conditions	Industrial solvents, chemicals, repeated wet work	Healthcare, food processing, cleaning, construction
Repetitive Stress Disorders	Repeated motions over months or years	Assembly lines, typing, cashiering, food processing
Lead / Heavy Metal Poisoning	Paint, batteries, smelting, contaminated worksites	Construction (old buildings), battery manufacturing, smelting

<p>Chemical Exposure Injuries</p>	<p>Toxic fumes, industrial chemicals, pesticides</p>	<p>Agriculture, manufacturing, lab work, cleaning services</p>
--	--	--

Hearing Loss: A Frequently Overlooked Claim

Industrial hearing loss is one of the most under-claimed occupational diseases in North Carolina. If you have worked for years in a loud environment— manufacturing, printing, construction, or any setting where you regularly had to raise your voice to be heard, and you now have documented hearing loss, you may have a compensable workers' compensation claim. The fact that the loss developed gradually does not disqualify it. Talk to an attorney before assuming you cannot file.

Mesothelioma and Asbestos-Related Claims

Mesothelioma is a rare, aggressive cancer of the lining of the lungs, abdomen, or heart. It is caused almost exclusively by asbestos exposure. It has no known cure. And it can take 20 to 50 years after exposure to develop, meaning workers who were exposed to asbestos in the 1960s, 1970s, and 1980s are still being diagnosed today.

North Carolina has historically had significant asbestos exposure in its construction, textile, and industrial manufacturing sectors. Workers who handled asbestos insulation, installed asbestos-containing flooring or ceiling tiles,

worked on brake repairs, or labored in any environment where asbestos was present may have been exposed, even if they were never told the material was dangerous. Even long-term production workers are often exposed since asbestos is odorless, colorless and invisible to the naked eye.

This section discusses mesothelioma but virtually all cancers of the respiratory and digestive tracts can be caused by asbestos exposure. (nasal, oral, esophageal, laryngeal, lung, colon and rectal cancers). These exposures occur over years and years and may not result in a disease for decades. Cancers can still be linked to asbestos and other toxic agents years after the exposure ended. (Known as latency—or the incubation period for developing the disease).

Mesothelioma and Lung Cancer: From Exposure to Claim

▶ Asbestos Exposure Occurs

Could be decades ago — in a factory, shipyard, construction site, or even from a family member's work clothes (secondary exposure).

▶ Latency Period: 20–50 Years

Mesothelioma typically does not appear until 20 to 50 years after exposure. This is not a delay in filing — it is the biology of the disease. Lung cancer's latency is often 30+ years.

▶ Symptoms Appear

Chest pain, shortness of breath, persistent cough, fatigue. These are often mistaken for less serious conditions.

▶ **Diagnosis**

Imaging, biopsy, and specialist evaluation. A confirmed mesothelioma diagnosis starts your legal clock.

▶ **File Your Claim**

The 2-year statute of limitations in NC generally runs from the date you are diagnosed and told it came from work.

▶ **Workers' Comp + Other Options**

Workers' comp covers medical and wage replacement. Asbestos trust funds and civil litigation may provide additional recovery. An experienced workers' comp attorney can get you to a third-party (products liability) attorney for pursuing that claim. A third-party claim typically allows for pain and suffering, loss of enjoyment of life and even a loss of consortium claim for the spouse.

Secondary Exposure

You do not have to have worked directly with asbestos to develop mesothelioma. Secondary exposure, also called para-occupational exposure, occurs when a family member brought asbestos fibers home on their work clothes, hair, or equipment. Wives and children of asbestos workers have developed mesothelioma from this secondary exposure. If your diagnosis traces to secondary exposure from a family member's work, consult an attorney. This would not be a workers' comp claim but a third party claim against the asbestos

manufacturers. An experienced attorney will know whom you should contact to pursue this type of claim.

⚠ The Statute of Limitations Is Different for Occupational Disease

For a traumatic workplace accident, the clock starts on the date of the accident. For occupational disease, North Carolina law starts the clock when you are told by a medical doctor that you have a disease and that it was due to exposure at work. Once you are diagnosed and have reason to connect your illness to your work, you must act promptly.

Chemical Exposure and Toxic Workplace Injuries

Not all occupational disease claims involve decades of slow development. Chemical exposure injuries can be acute— a sudden, significant exposure to a toxic substance that causes immediate and serious harm, or they can be chronic, developing over years of lower-level exposure to solvents, pesticides, heavy metals, or industrial chemicals.

North Carolina workers in agriculture, manufacturing, cleaning services, healthcare, and laboratory settings face elevated chemical exposure risks. If your workplace injury involved toxic exposure, whether you were hospitalized after a chemical accident or you developed a chronic condition after years of handling hazardous materials, workers' compensation covers your medical treatment and wage replacement. Of course, these diseases can manifest as breathing problems, heart conditions, neurological conditions, cognitive impairment (confusion and memory loss), skin conditions and cancers.

- Agricultural pesticide and herbicide exposure: farmworkers and applicators face elevated risks of neurological damage, respiratory disease, and certain cancers.
- Industrial solvent exposure: workers in manufacturing, painting, and dry cleaning may develop kidney, liver, and neurological conditions from chronic solvent exposure.
- Heavy metal poisoning (lead, mercury, arsenic): demolition workers, painters, battery workers, and smelter employees face significant exposure risks.
- Carbon monoxide and gas exposure: confined space workers, auto technicians, and warehouse workers using propane-powered equipment are at elevated risk.
- Mold exposure in commercial buildings: custodial and maintenance workers who clean or work in mold-contaminated environments may develop respiratory and immune conditions.

Why Occupational Disease Cases Are Different — And Why Experience Matters

Occupational disease claims are more difficult than standard workers' compensation claims. That is not an opinion, it is why most workers' comp attorneys refer these cases out, and why insurers fight them more aggressively.

- Causation is contested: The insurer will argue that your disease was caused by something other than your work — genetics, lifestyle, non-occupational exposure, or a pre-existing condition. Medical experts are required on both sides.
- Exposure evidence is decades old: Employment records, safety records, and industrial hygiene documentation from 30 years ago may need to be obtained, authenticated, and presented.
- Multiple employers may be involved: If you worked in multiple jobs over a career, determining which employer's exposure caused or contributed to your condition is legally and medically complex.
- Asbestos trusts and third-party claims may apply: In mesothelioma and other asbestos cases, workers' comp is often just one avenue of recovery. Asbestos bankruptcy trusts, manufacturer liability claims, and premises liability claims

may be available, and they require separate legal action.

- Insurers deny these cases at a higher rate: The complexity and cost of occupational disease claims make them a high-priority target for denial. Think about it: if they accept “your” claim as compensable, then they would have to accept the claims of other workers who worked with you and later became sick. Having an attorney who has successfully litigated these cases before the NCIC is not optional, it is essential.



“There is no question that Reid Acree is one of the most experienced lawyers in NC, especially in the field of workers’ compensation and occupational disease claims — an area many lawyers don’t like to tackle because these cases are complicated and require a high degree of experience and expertise.”

— Luke L. — Fellow Workers’ Comp Attorney

How to File an Occupational Disease Claim in NC

Steps to Filing an Occupational Disease Claim in NC

1. Get a diagnosis from a treating physician.

Document what disease you have, when it was diagnosed, and what your doctor believes caused it.

2. Connect the disease to your work exposure.

Your medical records, employment history, and exposure documentation must show the link between your job conditions and your illness.

3. Report to your employer in writing.

Just as with a traumatic injury, notify your employer in writing as soon as you know or suspect your condition is work-related.

4. File Form 18 with the NC Industrial Commission.

The same form used for traumatic injuries applies to OD claims. Your attorney will file this on your behalf. (There is a separate but similar form used for chronic lung disease and cancer cases).

5. Hire a workers' comp attorney immediately.

Occupational disease cases are complicated, fought hard by insurers, and require medical and exposure evidence most injured workers cannot assemble alone.

6. Preserve all employment and medical records.

Old pay stubs, W-2s, union records, employer documentation, and medical records going back years may all be relevant.

7. Explore all avenues of recovery.

Workers' comp may not be the only source of compensation. Asbestos trusts, third-party litigation, and other claims may apply. Your attorney evaluates all of them.

**✓ You Deserve the Same Rights
Whether Your Injury Was Sudden or
Slow**

A worker who tore their rotator cuff lifting a box and a worker who developed mesothelioma from 30 years of asbestos exposure are both covered by the same workers' compensation system. The disease did not ask your permission. The law does

not require that your injury was sudden. If your work made you sick, regardless of when, how, or over how many years, you have rights worth fighting for. (remember that OSHA permissible exposure limits simply mean it's ok to harm a worker— as long as it's done in smaller increments over time).

Occupational Disease Cases Require a Specialist.

Reid Acree is recognized by fellow workers' compensation attorneys across North Carolina as one of the state's foremost experts in occupational disease claims. If you or a family member has been diagnosed with a condition you believe is connected to workplace exposure, no matter how long ago that exposure occurred — call for a free consultation.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 11

Hiring a Workers' Comp Attorney: When, Why, and What It Actually Costs

★★★★★

“Reid has a remarkable skill set. He is at once extremely smart, yet modest. He is a great communicator, while being a great listener. (Maybe listening is the key). Whether he is the mediator or the advocate, Reid’s priority is to find solutions when there seem to be none. To sum it up, Reid is an A+ professional and an A+ person.”

— Michael S. — Fellow Attorney, 40+ Years of Practice

You are already dealing with a lot. You’re hurt. You may not be working. Medical bills are arriving. You’re navigating a system you have never dealt with before, and every decision you make can affect the outcome of your case.

And somewhere in the middle of all that, someone tells you: “You don’t need a lawyer for workers’ comp.”

Sometimes that’s true. Many minor claims resolve without an attorney just fine. But many others, the contested claims, the denied claims, the cases involving permanent injury, occupational disease, or an employer fighting back, require experienced legal representation to reach a fair outcome.

This chapter gives you the honest picture: when you need an attorney, what to look for, what it costs, and what to expect when you work with one.

Do You Actually Need a Workers' Comp Attorney?

The honest answer is: it depends on your situation. Not every workers' comp claim requires legal representation. Some straightforward claims with minor injuries, no disputes and a quick return to full-duty, can be processed without significant friction and close without an attorney's involvement.

But the moment your claim becomes contested, complicated, or involves permanent consequences, the calculus changes dramatically. The insurance company's adjusters, their defense attorneys, and their IME doctors are all working to minimize what they pay you. Having experienced representation levels the playing field.

<p>Hire an Attorney These Situations</p>	<p>You May Be Okay Alone For Now</p>
<ul style="list-style-type: none"> ✓ Your claim was denied ✓ Benefits were cut off or reduced without explanation ✓ Your employer or insurer disputes your injury ✓ You have a permanent injury or significant disability ✓ You were offered a settlement before reaching MMI 	<ul style="list-style-type: none"> • Minor injury, claim accepted without dispute • Treatment is authorized and proceeding smoothly • Benefits are being paid at the correct rate • You have returned to full duty without issue • No permanent impairment is expected

- ✓ You experienced retaliation for filing
- ✓ Your injury involves an occupational disease
- ✓ You cannot return to your prior occupation
- ✓ You are unsure of your rights at any point

Even in these cases, a free consultation costs you nothing and gives you peace of mind.

⚠ The “Okay Alone” Situations Can Change Fast

A claim that looks simple on day one can become complicated by week four. A treating physician finds a herniated disc, a benefit gets cut off, the insurer files strange forms you don't understand, or an IME doctor contradicts your treating physician; any of these events turns a simple claim into one that needs legal help. If you are handling your claim without an attorney and something unexpected happens, call immediately. Do not try to navigate a mediation or a hearing alone.

What a Workers' Comp Attorney Actually Does for You

Many injured workers imagine that an attorney's primary job is to argue in a courtroom. In reality, the vast majority of workers' compensation cases never see a formal hearing. What an attorney does is far broader than courtroom advocacy, and far more valuable throughout the entire process.

- Evaluates your claim honestly at the outset, including its strengths, weaknesses, and realistic value.
- Handles all communication with the insurance company, adjusters, and defense attorneys so you don't inadvertently harm your claim. It also takes away the hassles you are experiencing by never being able to speak to a human or by getting a rude adjuster.
- Ensures your medical treatment is authorized and your benefits are calculated correctly.
- Reviews and challenges IME reports that undermine your treating physician's findings.
- Prepares and files all required forms with the NC Industrial Commission on your behalf.
- Represents you in mediation and negotiates a fair settlement, knowing what your case is actually worth.
- Takes your case to a formal hearing before a Deputy Commissioner if

necessary to get you what you are owed.

- Coordinates workers' comp with Social Security Disability, third-party claims, and other avenues of recovery when applicable.
- Keeps you informed and involved throughout the process, so you always know where your case stands.

★★★★★

“Reid’s story about the little boy and his father is what encouraged me on him representing me as my attorney. Reid strongly cares about his clients and their families. I am extremely satisfied with the outcome and would recommend him 100%.”

— Ryan C. — Google Review

What Does It Cost to Hire a Workers' Comp Attorney?

This is the question most injured workers are afraid to ask. The answer is simpler than you may think.

Workers' compensation attorneys in North Carolina work on a contingency fee basis. That means you pay nothing up front. There is no hourly rate. There is no retainer. You do not pay a single dollar in attorney fees unless your attorney wins your case or secures a settlement.

The standard contingency fee for workers' comp in North Carolina is 25% of any settlement or award. Critically, this fee must be reviewed and approved by the NC Industrial Commission before it is paid. The NCIC acts as an independent check on attorney fees to ensure the amount is reasonable given the work involved and the results achieved.

No Recovery, No Fee — What It Really Means

If your attorney does not win your case or secure a settlement, you pay no fee. This structure aligns your attorney's financial interest with yours: they only get paid when you do. It also means that a contingency-fee attorney who takes your case has evaluated it and believes it has merit. If they didn't think they could help you, they wouldn't take it.

Are There Other Costs?

In some cases, there may be out-of-pocket litigation costs, expert witness fees, medical record retrieval, and filing fees for certain documents. Reputable

attorneys are transparent about these costs up front, explain when they might arise, and discuss how they are handled. Ask about costs directly in your initial consultation.

How to Choose the Right Attorney — And Avoid the Wrong One

Not all workers' compensation attorneys are equal. In a specialized, procedurally complex area of law like workers' comp, experience and focus make an enormous difference in results. Here is how to tell the difference.

✓ Signs of a Good Workers' Comp Attorney	✗ Red Flags to Walk Away From
Board certified in workers' compensation by the NC State Bar	Handles "all types" of law — workers' comp is not their focus
Practices exclusively or primarily in workers' comp	You'll talk to a paralegal or junior associate, but rarely to the attorney
Clear, plain-language explanation of your rights at first meeting	Pressures you to sign up quickly before you understand your options
Transparent about the 25% contingency fee structure	Vague about fees or hints at charges you didn't expect
Known to the NC Industrial Commission — they go to hearings	Settles everything — never actually prepares for a hearing

Returns calls and keeps you informed throughout the process	Hard to reach; you feel like a case number, not a person
Consults with you before making any significant decisions	Makes decisions about your case without explaining the reasoning
Freely shares their experience with occupational disease, denied claims, appeals	Cannot give you specific examples of complex cases they've handled

What Does “Board Certified” Mean?

Board certification in workers’ compensation law is granted by the North Carolina State Bar to attorneys who have demonstrated a substantial level of practice experience in the field, passed a rigorous examination, and been peer-reviewed by other attorneys and judges. Fewer than 250 attorneys in all of North Carolina hold this certification. More importantly, fewer than 115 claimant’s attorneys hold this distinction.

It is the single most meaningful credential an NC workers’ comp attorney can hold. When you hire a board-certified specialist, you are hiring someone the State Bar of North Carolina has vetted and certified as having mastered this area of law.

How to Prepare for Your Free Consultation

Your first meeting with a workers’ comp attorney is your opportunity to evaluate them just as much as they are evaluating your case. Come prepared. The more organized you are, the more useful the consultation will be.

What to Bring to Your Free Consultation

Any accident or incident reports filed with your employer

These establish the date, location, and circumstances of your injury.

All medical records and bills related to your injury

Bring everything — emergency room, treating physician, specialist, physical therapy.

Correspondence from your employer or their insurance company

Denial letters, benefit statements, recorded statement requests, adjuster contacts.

Your average weekly wage information

Recent pay stubs, W-2s, or employer pay records for the 52 weeks before your injury.

Documentation of any work restrictions or light duty assignments

Letters from your employer, notes from your treating physician.

A written timeline of what happened

Start from the date of your injury. Include every relevant event, date, and name you can recall.

A list of your questions

Write them down ahead of time. A good attorney wants you to leave with answers.

Questions to Ask a Workers' Comp Attorney Before You Hire Them

- How long have you been practicing workers' compensation law in North Carolina?
- Are you board certified in workers' compensation by the NC State Bar?
- What percentage of your practice is workers' compensation cases?
- Have you handled cases involving my type of injury or occupational condition before?
- Do you personally handle my case, or will it be assigned to a paralegal or junior associate?
- How do you communicate with clients? How quickly do you return calls and emails?
- What is your fee structure, and are there any costs I should expect?
- Have you taken workers' comp cases to a hearing before the NC Industrial Commission?
- What is a realistic range of outcomes for a case like mine?

About Reid Acree — Why Experience Matters

The “little boy” story that Ryan Childers mentions in his review above is real. It is the story Reid tells at every initial consultation to explain why he does what

he does, and what it means to have the right advocate in your corner when everything is on the line.

Reid does not tell it here. It is a story best shared in person. But the principle behind it, that workers' compensation is not just a legal transaction, it is a fight for the financial future of real families, is the foundation of everything Acree Law Firm does.

About Reid Acree — Credentials & Experience

Board Certified Specialist: Workers' Compensation Law — North Carolina State Bar. Fewer than 115 claimant's attorneys in all of NC hold this certification.

36+ Years of Practice: almost three decades of which have been representing injured workers in North Carolina.

32+ Years in Workers' Comp: Exclusively focused on the needs of injured workers and their families for over a quarter century. (Was a defense attorney for the first 5 years—which helps because it's good to know the "defense" when planning the "offense..")

NC State Bar Certified Mediator:
Understands both sides of the negotiation

table — including what makes a settlement hold.

Recognized by Peers: Peer-reviewed and rated as “AV” preeminent in legal skill and very ethical by fellow attorneys in Martindale-Hubbell. Routinely consulted by other attorneys on complex occupational disease cases.

No Recovery, No Fee: Contingency fee representation — you pay nothing unless Reid wins your case. The fee is 25% of the settlement, subject to NC Industrial Commission approval.

Free Consultation: Your first conversation costs you nothing. Call 704-633-0860 or visit acreelaw.com.



“I am one hundred percent sure I would have never received my due benefits if it had not been for Reid and Tina filing an

appeal for me. I would highly recommend Attorney Reid Acree and his team.”

— Danny T. B. — Google Review

✓ **Your First Call Costs Nothing**

A free consultation is not a sales pitch. It is an honest evaluation of your situation by an attorney who has handled thousands of workers' compensation claims over three decades. You will leave knowing your rights, your realistic options, and whether you need legal help to protect them. Call 704-633-0860 or visit acreelaw.com to schedule yours.

Ready to Talk? Reid Is Ready to Listen.

No forms to fill out. No cost. No obligation. Just a straight conversation about what happened, what your rights are, and what your options look like. That's how every Acree Law Firm relationship begins.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 12

Real Stories: What Clients Say About Working With Reid Acree

The North Carolina workers' compensation system can feel overwhelming, adversarial, and deeply impersonal. What injured workers often need most is evidence that someone else made it through, that the fight is winnable, and that the right advocate makes the difference.

The following reviews were written voluntarily by real clients and colleagues. They are presented here, lightly formatted, to give you a sense of what working with Acree Law Firm looks like from the inside.

When Everyone Else Said No

★★★★★ — Johnny G.

***Occupational Exposure Cancer Death —
Denied Claim, Won on Appeal***

“Reid Acree listened and believed in me when I tried to find an attorney who would help fight for my daughter and I from my husband’s occupational exposure cancer death caused by it. He went above and beyond the realms of any attorneys I had spoken with and fought to get the compensation we were entitled to receive when the case was denied. I can’t say enough good things about him and his wife.”

They treated my daughter and I like they had known us forever and we felt comfortable with his legal input on what we needed to do. I will forever be grateful to Mr. Acree as well as his wife for the kindness they showed us throughout the process of such a painful and emotional time in our lives. I would recommend him to everyone I know seeking legal advice on workers' compensation."

Highlight: *Denied case. Occupational disease. Reid fought it and won.*

★★★★★ — **Clara R.**

Every Other Attorney Rejected the Case — Reid Won

"Went with Reid after there was no hope for my husband's case and every other attorney rejected the case. Reid heard us out and gave us the best outcome we could ever have! Thank you Reid for your services! We are very grateful for you and everything you did for us! We 100% Recommend!"

Highlight: *When the case looked impossible — Reid took it anyway.*

The Fight That Made All the Difference

★★★★★ — Jonathan G.

Went to the Mat When It Mattered

“You couldn’t ask for a better person to represent you than Reid Acree, in my humble opinion. From the start of my case to its fruition he and his team kept me informed about next steps and what to expect going forward. He, and his team, went to the mat when it mattered and gave advice that garnered a greater outcome than I expected. I am very pleased with the services and had a great experience with his office. So, if you need an attorney that actually cares about you and takes your case seriously — someone who won’t waste your time and gives a no-BS account of the merits of your case — then Reid Acree is the person for you! I cannot express how truly grateful I am to have had Reid Acree as my representative, and my champion.”

Highlight: *“He gave a no-BS account of the merits of the case.”*

★★★★★ — L. T. Baker

A FIERCE Adversary Who Fights for Every Dollar

“Reid is a fantastic workers’ compensation trial lawyer. Beyond that, and perhaps more importantly, he’s a good person. He cares about his clients and the work he does, and it shows. Reid is a FIERCE adversary and will fight to make sure you receive all of the benefits available under the law — not one cent less.”

Highlight: *“FIERCE adversary — not one cent less.”*

★★★★★ — Danny T. B.

The Appeal That Changed Everything

“I am one hundred percent sure I would have never received my due benefits if it had not been for Reid and Tina filing an appeal for me. I would highly recommend Attorney Reid Acree and his team.”

Highlight: *An appeal made the difference between benefits and nothing.*

Patience, Trust, and a Partner Through the Process

★★★★★ — Tim P.

Honesty, Integrity, and a Friend in the End

“From the initial phone consult onward, Mr. Acree has been to the point, transparent and diligent. He made a point of saying, “This is YOUR case, not mine. I’m just your advocate through the process.” He is certainly no ambulance chaser, nor an indifferent suit. He is very hands-on, personal and personable, and gave me individual attention. Reid was always steady as a rock and reassuring — the voice of reason and experience. That admonition to be patient worked out for me, and my outcome was much better than I anticipated. I contacted his offices looking for a lawyer. I ended up with a friend.”

Highlight: *“This is YOUR case, not mine. I’m just your advocate.”*

★★★★★ — **Donnell A.**

More Like Family Than an Attorney

“Reid Acree is not just a lawyer — he is more like family. By far the best attorney in NC. From the time I met Reid until now he has always been straightforward and fought hard for me during my case. My case has been over for years but Reid and I still stay in contact. He and his wife Tina are truly amazing people and I’ll refer anyone who needs a lawyer to him. Great lawyer, but even better human being.”

Highlight: *Years after the case closed, they’re still in touch.*

★★★★★ — **P.L.N.**

He Won the Case and She Trusted Him Every Step

“Reid Acree is an outstanding attorney — he does his very best for his clients. He totally walked with me through my workers’ comp case and my SSD. I had never been in this situation before. He is not only intelligent but he also cared about my well-being. If you are looking for the best workers’ comp and SSA attorney, I recommend him highly. He won my case

and I trusted him EVERY step of my journey. He by far is the BEST. Thank you Reid and Tina, his wonderful wife.”

Highlight: *“I trusted him EVERY step of my journey.”*

The Attorney Who Shows Up as a Human Being

★★★★★ — Ashley M.

If You Were My Granddaughter

“The first phone call was us talking for over an hour, after hours, about my options — and some of them wouldn’t have needed his assistance. One thing he said was: ‘If you were my granddaughter, I would tell you to make sure you were covered to get the treatment and care you need.’ He fought for me while I had my surgery and I didn’t have to wait for it. I never worried or stressed when he agreed to help me. Reid works for the people who need him most. He is a wonderful lawyer with a heart for his clients.”

Highlight: *“If you were my granddaughter, I would tell you to make sure you were covered.”*

★★★★★ — Lynn H.

Took the Case Late and Still Won

“Another attorney was handling my disability case. My attorney became very ill and was unable to see my case through. He highly recommended Reid to take over. Mr. Acree took my case late in the game, but quickly got up to speed. We talked for several hours on the phone, on different occasions, while he was vacationing with his family at the beach. After a couple of weeks, he was present at my hearing. My disability was approved. Attorneys often get a bad rap. But in the short time I’ve known Reid, I’ve found him to be honest, competent, and compassionate. A good attorney... and a good human.”

Highlight: *Took the case late — and still won.*

What Fellow Attorneys Say

The following reviews were written by attorneys and legal professionals who have worked alongside Reid Acree, either through referrals, mediation, or collaboration on complex cases.

★★★★★ — Michael A. — Attorney, 30+ Years

A Colleague Who Refers Without Hesitation

“I refer to Reid without hesitation because I know he will take care of them like I would — and I have not been disappointed. He always does a super job and makes the clients feel at ease knowing he is working on it and that he cares about their case.”

Highlight: *A lawyer’s lawyer — trusted by colleagues to care for their clients.*

★★★★★ — Tom S. — Former Lead Attorney, NC Association of Educators

The 'Go-To' for Workers' Comp and SSD

“When I was the lead attorney for the North Carolina Association of Educators, Reid was our ‘go to’ attorney for all things related to Workers’ Comp and Social Security Disability. He is not only a super expert in these fields, he genuinely cares for each of his clients and is extremely thorough and responsive. Reid demonstrates that an attorney can be both an incredibly skilled and successful advocate, and a down-to-earth and caring human being.”

Highlight: *The NCAE’s go-to attorney for workers’ comp for years.*

✓ These Are Real People with Real Stories.

Every review in this chapter was written voluntarily and posted publicly by a real client or colleague. No review was edited for substance. Light punctuation and formatting adjustments were made for print. The stories are theirs. The outcome belongs to them. Reid’s job was to make those outcomes possible.

Your Story Isn't Written Yet.

If you are injured, scared, and unsure what comes next, that is exactly the moment to call. The consultation is free. The conversation is honest. And the outcome could be the story you tell someone else someday.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

CHAPTER 13

Frequently Asked Questions

Plain Answers to the Questions Injured Workers Ask Most

In more than three decades of handling workers' compensation cases in North Carolina, Reid Acree has heard the same questions thousands of times. The questions come from scared workers who have just been injured. They come from family members trying to understand what their loved one is facing. They come from people who have been told “no” and cannot understand why.

This chapter collects the most common questions, and gives them honest, plain-language answers. If your question isn't here, the next step is a free phone call to 704-633-0860.

Getting Started: The Basics

Q: What should I do first after getting injured at work?

A: Report your injury to your employer in writing on the same day if possible, and certainly within 30 days. Seek medical treatment right away. Document everything. Do not give a recorded statement to the insurance company without speaking to an attorney first.

Q: What are the three basic requirements to qualify for workers' comp in NC?

A: You must be an employee (not an independent contractor), your employer must have three or more employees and carry workers' compensation insurance, and your injury or illness must have arisen out of and occurred in the course of your employment.

Q: How long do I have to file a workers' comp claim in NC?

A: You have two years from the date of your injury to file Form 18 with the NC Industrial Commission. But do not wait, you must also report your injury to your employer within 30 days or risk losing your right to benefits entirely.

Q: What injuries are covered by workers' compensation in NC?

A: Any injury that arises out of and occurs in the course of your employment, including traumatic injuries (falls, lacerations, fractures, back injuries, burns), occupational diseases (mesothelioma, other cancers, hearing loss, lung diseases like asbestosis and silicosis), and the aggravation of a pre-existing condition caused or worsened by your work.

Q: What if I was partially at fault for my injury?

A: North Carolina workers' compensation is a no-fault system. Your own negligence generally does not disqualify you from benefits. However, there are limited exceptions: willful misconduct, intoxication, or intentional self-injury may disqualify a claim.

Your Benefits: What You're Entitled To

Q: How are my weekly workers' comp benefits calculated?

A: Your TTD benefit is two-thirds of your average weekly wage, calculated over the 52 weeks before your injury. As of January 1, 2026, the maximum TTD benefit in North Carolina is \$1,446 per week. There is no minimum guaranteed amount.

Q: Is there a waiting period before I receive benefits?

A: Yes. There is a seven-day waiting period before TTD benefits begin. However, if your disability lasts more than 21 calendar days, the first seven days become retroactively compensable and you will receive payment for them.

Q: How long can I receive workers' comp benefits in NC?

A: TTD and TPD benefits are generally capped at 500 weeks (approximately 9.6 years). If you are totally and permanently disabled, benefits may continue for life beyond the 500-week cap. Permanent partial disability benefits have fixed durations based on your body part and impairment rating.

Q: Does workers' comp pay for pain and suffering in NC?

A: No. Unlike a personal injury lawsuit, workers' compensation does not include compensation for pain and suffering. Your benefits are limited to medical treatment, wage replacement, and permanent disability ratings. Pain and suffering may be recoverable in a third-party civil lawsuit if someone other than your employer caused your injury.

Q: What is PPD and how is it calculated?

A: Permanent Partial Disability (PPD) compensates you for permanent impairment to a specific body part after you reach Maximum Medical Improvement. Your impairment rating (expressed as a percentage) is multiplied by the number of weeks assigned to that body part under NC law, then by your compensation rate. For example, a 10% rating to your back equals 30 weeks of benefits at your compensation rate.

Medical Treatment: Who Controls It and What You Must Do

Q: Can I choose my own doctor?

A: Generally no, your employer or their insurance company has the right to direct your medical care under NC workers' comp law. You must treat with the employer-authorized physician. However, if the employer fails to provide adequate medical care, or in certain circumstances involving second opinions, there are exceptions. Talk to an attorney if you believe the authorized treatment is inadequate.

Q: What is an IME and do I have to attend one?

A: An Independent Medical Examination (IME) is a medical evaluation requested by the insurance company, performed by a physician of their choosing. Despite the name, IME doctors are paid by the insurer and often produce opinions favorable to the insurer. You are generally required to attend. Tell your attorney before any IME is scheduled.

Q: What is Maximum Medical Improvement (MMI)?

A: MMI is the point at which your treating physician determines that your condition has stabilized and further significant improvement is not expected. It does not mean you are "healed" or pain-free, it means your condition has

plateaued. MMI triggers the permanent impairment rating process and is the appropriate time to consider settlement.

Q: Can I refuse surgery recommended under workers' comp?

A: Yes, you have the right to refuse surgery. However, refusing recommended surgery can affect your benefits. The insurer may argue that your refusal of reasonable treatment breaks the causal chain between your injury and your ongoing disability. If you are considering refusing surgery, discuss it with your attorney before making any decision.

When Things Go Wrong: Denials, Delays, and Retaliation

Q: What do I do if my claim is denied?

A: A denial is not final. File a Form 33 with the NC Industrial Commission to request a hearing and contest the denial. Do not accept the denial as the end of your case. Call an attorney immediately.

Q: Can I be fired for filing a workers' comp claim?

A: No. North Carolina General Statute §97-6.1 prohibits employers from retaliating against employees for filing a workers' compensation claim. However, your employer does not have an absolute obligation to hold your job indefinitely. If you are terminated and believe it is connected to your claim, document everything and contact an attorney immediately.

Q: What if my company doesn't want me to file a claim?

A: File anyway. Your right to file a workers' compensation claim is protected by law. An employer who pressures you not to file, retaliates against you for filing, or attempts to interfere with your claim is violating state law. Their preferences do not override your legal rights.

Q: Does my employer have to hold my job while I'm on workers' comp?

A: North Carolina does not have a law requiring employers to hold your position open indefinitely during a workers' comp leave. However, federal FMLA may apply for up to 12 weeks depending on your employer's size. What the law does prohibit is terminating you because you filed a claim.

Q: Can I work another job while receiving workers' comp benefits?

A: It depends. If you had a second job before your injury and your restrictions allow you to continue it, you may be able to do so. Starting a new job may affect your benefits. Performing work that exceeds your medical restrictions, especially while claiming total disability, can jeopardize your entire claim. Discuss any work activity with your attorney first.

Settlements: When and How to Settle Your Claim

Q: How is a workers' comp settlement calculated in NC?

A: Settlement value is based on past and future medical expenses, unpaid wage replacement benefits, permanent impairment rating and scheduled weeks, loss of earning capacity, and vocational rehabilitation needs. There is no formula that automatically produces a settlement number, it is a negotiated value based on all of these factors combined.

Q: Do all workers' comp cases end in settlement?

A: Most do, but not all. Cases that cannot be resolved through negotiation or mediation may proceed to a formal hearing before a Deputy Commissioner

of the NC Industrial Commission. A hearing is not a failure, it is sometimes the right way to get a fair outcome.

Q: Does surgery increase my settlement?

A: Generally yes. Surgery increases past medical costs, often produces a more significant impairment rating, and may affect your long-term earning capacity, all of which increase settlement value. However, you should not settle immediately after surgery. Wait until you have recovered, completed rehabilitation, and your physician has assigned a final MMI and impairment rating.

Q: What is a 'clincher' and should I sign one?

A: A clincher (also called a full and final settlement) closes your entire workers' compensation claim, including future medical treatment. Once signed and approved by the NC Industrial Commission, it is permanent. Never sign a clincher without legal review.

Working With an Attorney

Q: How much does a workers' comp attorney cost?

A: Workers' compensation attorneys in North Carolina work on a contingency fee basis. You pay nothing up front and nothing unless your attorney wins your case. The standard fee is 25% of the settlement, subject to NC Industrial Commission approval. If there is no recovery, there is no fee.

Q: When should I hire a workers' comp attorney?

A: If your claim is denied, your benefits are cut off, your employer disputes your injury, you have a rude adjuster or can never reach a human being when calling, you have a permanent impairment, or you are facing a complicated situation, hire an attorney as soon as possible. Even in simpler cases, a free consultation ensures you know your rights before you make any decisions that could affect your claim.

Q: What is the NC Industrial Commission?

A: The NC Industrial Commission (NCIC) is the state agency that administers the workers' compensation system in North Carolina. It processes claims, conducts hearings, approves settlements, and reviews

appeals. It is located at 430 N. Salisbury Street in Raleigh. All workers' comp settlements must be approved by the NCIC before they are final.

⚠ Your Question May Not Be Here — That's What the Phone Is For

No FAQ covers every situation. Workers' compensation cases in North Carolina are fact-specific, and small details can matter enormously to the outcome. If you have a question that isn't answered here — or if the answer above applies to your situation and you want to understand what it means for your specific case — call Reid Acree at 704-633-0860. The consultation is free and the conversation is honest.

One Call Answers the Questions That Matter Most to You.

A free consultation with Reid Acree is not a commitment. It is a conversation. You leave knowing your rights, your realistic options, and whether you need legal help. There is no pressure, no cost, and no obligation.

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

QUICK REFERENCE GUIDE

NC Workers' Compensation — Checklists & Timelines

Critical Deadlines at a Glance

DEADLINE	WHAT IT IS	WHAT HAPPENS IF YOU MISS IT
Same Day	Report injury to employer verbally	Later reporting raises insurer suspicion, creates disputes about injury origin
30 Days	Report injury to employer IN WRITING	You may permanently lose your right to workers' comp benefits
2 Years	File Form 18 with the NC Industrial Commission	Your claim is barred by the statute of limitations, no exceptions

90 Days (approx.)	Hearing scheduled after Form 33 filed	Missing this window delays your appeal indefinitely
OD: 2 Years from knowledge	File Form 18 for occupational disease	Clock runs from date you knew the illness was work-related

Checklist 1 — Immediately After Your Injury

Do these things as soon as possible on the day of your injury

- Seek medical treatment immediately, call 911 or go to the ER if the injury is serious
- Tell the treating provider exactly how the injury happened and that it occurred at work
- Report the injury to your supervisor or employer verbally on the same day

- Get the names and contact information of any witnesses
- Photograph the scene, equipment involved, and any visible injuries
- Write down everything you remember, time, exact location, what happened
- Do NOT give a recorded statement to the insurance company without speaking to an attorney first

Checklist 2 — Within 30 Days of Your Injury

Complete all of these within 30 days — or risk losing your right to benefits

- Submit a written injury report to your employer (keep a copy for yourself)
- Confirm your employer has filed an accident report with their insurance carrier

- Begin authorized medical treatment with the employer-directed physician
- Keep copies of all medical records, bills, prescriptions, and treatment notes
- Track all out-of-pocket expenses (mileage, medications, medical equipment)
- Document any work restrictions or light duty assignments in writing
- Consult with a workers' compensation attorney if your claim is disputed

Checklist 3 — Throughout Your Claim

Keep doing these things from filing through final settlement

- Attend every medical appointment, gaps in treatment give insurers ammunition

- Follow all doctor's orders and restrictions precisely
- Keep a running log of symptoms, limitations, and how your injury affects daily life
- Save all correspondence from your employer, insurer, and the NC Industrial Commission
- Notify your attorney immediately of any change in benefits, medical authorization, or employment
- Do not discuss your claim on social media
- Do not sign any settlement agreement without your attorney reviewing it first
- Do not accept a clincher settlement before reaching MMI

Benefit Calculation Quick Reference

Benefit Type	Rate	Max (2026)	Duration
TTD — Temporary Total	2/3 avg. weekly wage	\$1,446/wk	Up to 500 weeks
TPD — Temporary Partial	2/3 of wage difference	\$1,446/wk	Up to 500 weeks
PPD — Perm. Partial	Rating × scheduled wks × rate	Varies	Fixed weeks per body part
PTD — Perm. Total	2/3 avg. weekly wage	\$1,446/wk	Lifetime (no 500-wk cap)
Death Benefits	2/3 avg. weekly wage	\$1,446/wk	500 weeks to dependents
Funeral Expenses	Reimbursement	\$10,000 max	One-time payment

7-Day Waiting Period

TTD benefits do not begin until after a 7-day waiting period. If your disability lasts more than 21 calendar days, the first 7 days become retroactively compensable and you will be paid for them.

PPD Scheduled Body Parts — Maximum Weeks

Body Part	Max. Weeks at 100% Rating
Back / Spine	300 weeks
Arm (above elbow)	240 weeks
Leg (above knee)	200 weeks
Hand	200 weeks
Foot (below knee)	144 weeks
Eye	120 weeks

Thumb	75 weeks
First (index) finger	45 weeks
Second finger	40 weeks
Third finger	25 weeks
Fourth (little) finger	20 weeks
Great toe	35 weeks
Other toes	10 weeks each
Binaural hearing loss	150 weeks (100%)
Organ damage	Up to \$20,000 per organ (discretionary)

How PPD Is Calculated

Impairment Rating % × Maximum Scheduled Weeks × Your Compensation Rate = PPD benefit. Example: 10% back

rating × 300 weeks = 30 weeks at your compensation rate.

GLOSSARY OF KEY TERMS

Plain-Language Definitions for NC Workers' Compensation

Average Weekly Wage (AWW)

Your average weekly earnings during the 52 weeks before your injury, used to calculate your TTD, TPD, and other wage-replacement benefits.

Clincher Agreement

A full and final settlement that closes your entire workers' compensation claim — including future medical benefits. Once approved by the NCIC, it is permanent and irrevocable.

Coming and Going Rule

A general rule that injuries sustained while commuting to or from work are not covered by workers' comp. Exceptions exist for workers with no fixed workplace, company vehicle use, and employer-required travel.

Compensability

Whether your injury or illness meets the legal requirements to be covered by workers' compensation. A compensable claim must arise out of and occur in the course of employment.

Compensation Rate

Your personal benefit rate, two-thirds of your average weekly wage, subject to the state maximum (\$1,446/week in 2026). All TTD, TPD, and most PPD benefits are paid at this rate.

Deputy Commissioner

A judge of the NC Industrial Commission who hears contested workers' compensation

cases and issues decisions (called awards or opinions). The first level of formal adjudication.

Form 18

The official NC Industrial Commission form used to formally file a workers' compensation claim. Must be filed within 2 years of the date of injury.

Form 33

The NCIC form used to request a formal hearing when a claim is disputed. Filing Form 33 initiates the formal litigation process.

Form 33R

The employer/insurer's response to a Form 33 hearing request. Sets out the insurer's position on disputed issues.

IME (Independent Medical Examination)

A medical evaluation requested by the insurance company and conducted by a physician of their choosing. Despite the name, IME doctors are hired and paid by the insurer. Their opinions often favor the insurer.

Maximum Medical Improvement (MMI)

The point at which your treating physician determines your condition has stabilized and no further significant medical improvement is expected. MMI is required before a permanent impairment rating can be assigned.

Mediation

A required negotiation process facilitated by a neutral mediator, used to attempt settlement of contested workers' comp claims before a formal hearing is conducted. Almost all contested NC cases must go through mediation.

NC Industrial Commission (NCIC)

The state agency that administers the workers' compensation system in North Carolina. Located at 430 N. Salisbury Street, Raleigh, NC 27603. The NCIC processes claims, conducts hearings, approves settlements, and reviews appeals.

Occupational Disease (OD)

A disease caused or aggravated by conditions of employment that is characteristic of and peculiar to a particular trade or occupation. Subject to different proof requirements and statute of limitations rules than traumatic injuries.

Permanent Partial Disability (PPD)

Compensation for permanent impairment to a specific body part after MMI is reached. Calculated using the impairment rating, the scheduled weeks for that body part, and the worker's compensation rate.

Permanent Total Disability (PTD)

A finding that the worker is totally and permanently unable to earn wages in any employment. PTD benefits continue for the worker's lifetime, beyond the standard 500-week cap.

Retaliation

Any adverse employment action taken by an employer against a worker for filing a workers' compensation claim or participating in proceedings. Prohibited by NC General Statute §97-6.1.

Scheduled Body Part

A body part for which NC law specifies a fixed maximum number of benefit weeks for total loss or impairment. Includes arms, legs, hands, feet, eyes, fingers, toes, and hearing.

Statute of Limitations

The legal deadline for filing a claim. In NC, generally 2 years from the date of injury, or 2 years from when the worker knew the

condition was work-related (for occupational disease).

Temporary Partial Disability (TPD)

Wage replacement benefits for injured workers who return to work in a reduced capacity, earning less than their pre-injury wages. Paid at 2/3 of the difference between the pre-injury and current wages.

Temporary Total Disability (TTD)

Wage replacement benefits paid at 2/3 of average weekly wage when a worker is completely unable to work due to a workplace injury. Subject to the state maximum (\$1,446/week in 2026) and a 7-day waiting period.

Vocational Rehabilitation

Services designed to help an injured worker who cannot return to their prior occupation develop skills for alternative employment.

May be a component of a workers' comp settlement.

NC INDUSTRIAL COMMISSION RESOURCES

Key Contacts, Forms & Where to Get Help

NC Industrial Commission

Mailing Address: 430 N. Salisbury Street,
Raleigh, NC 27603

Main Phone: 919-807-2500

Injured Worker Hotline: 1-800-688-8349
(toll-free)

Website: www.ic.nc.gov

Hours: Monday – Friday, 8:00 a.m. – 5:00
p.m.

Electronic Filing: Available at
www.ic.nc.gov for most NCIC forms

Key NCIC Forms Reference

Form	Name	When to Use
Form 18	Notice of Accident to Employer	Filed by injured worker to formally report injury and file a claim. Must be filed within 2 years.
Form 19	Employer's Report of Injury	Filed by the employer within 5 days of learning of the injury.
Form 33	Request for Hearing	Filed to request a formal hearing when a dispute cannot be resolved informally.
Form 33R	Response to Request for Hearing	Filed by the employer/insurer in response to a Form 33.
Form 44	Application for Full Commission Review	Filed to appeal a Deputy Commissioner's decision. Must file within 15 days of the decision.
Form 26	Supplemental Agreement	Used to formalize partial settlements and agreements on specific disputed benefits.
Form 60	Employer's Admission of Right to Comp	Filed when the employer accepts the claim and agrees to pay benefits.

Form 61	Denial of Workers' Comp Claim	Filed when the employer/insurer formally denies the claim.
Form 18B	Notice of Occupational Disease	Used for occupational disease claims in addition to or instead of Form 18.

Appeals Process — Where to File

Level	Where to File / Contact
Deputy Commissioner Hearing	NC Industrial Commission — 430 N. Salisbury St., Raleigh, NC 27603
Full Commission Appeal (Form 44)	NC Industrial Commission, same address — must file within 15 days of Deputy Commissioner's decision
NC Court of Appeals	1 W. Morgan Street, Raleigh, NC 27601 — 30 days from Full Commission order
NC Supreme Court	2 E. Morgan Street, Raleigh, NC 27601 — by petition for discretionary review

ABOUT ACREE LAW FIRM

Acree Law Firm

M. Reid Acree, Jr., Attorney at Law, P.A.

Acree Law Firm is a workers' compensation practice based in Salisbury, North Carolina. The firm was built on a simple conviction: injured workers deserve the same quality of legal representation that employers and insurance companies have access to from day one.

Reid Acree has practiced law for more than thirty six years. For almost three decades, his practice has been devoted exclusively to representing injured workers and their families in North Carolina, handling workers' compensation injury claims and the occupational disease claims (that most attorneys in the state decline to take). Reid regularly received occupational disease referrals from those firms.

Reid and his wife Tina run the firm together. Clients who call the office do not get lost in a phone system or handed off to a rotating cast of paralegals. They hear from Reid. They hear from Tina. They are kept informed. That is not a marketing statement, it is what clients describe, again and again, in their own words.



"His team (Tina and Courtney) are proficient and the communication is seamless. You are never left waiting or wondering regarding outcomes or next steps. His success is a testament to his strong

capabilities. Along with his efficient skill set, he is a great human being.”

— Sherri F. — Google Review

★★★★★

“He made sure to take the time to explain the process every step of the way — taking time to actually talk to me, making sure I felt heard and understood, then worked on my behalf and interest. I definitely was in good hands and appreciate his years of experience, expertise and care.”

— Sarah C. — Google Review

What We Handle

Workers' Compensation	Social Security Disability
Traumatic workplace injuries	Will refer you to a board certified SSDI attorney and work with them to make sure the bases are covered

Occupational disease claims	Will refer you to a board certified SSDI attorney and work with them to make sure the bases are covered
Mesothelioma / asbestos claims	Concurrent WC + SSD coordination
Denied claim appeals	No longer handling SSD claims. Will refer to board certified SSD attorneys
Retaliation and wrongful termination	N/A to SSD but employment law—will refer to qualified employment attorney
Settlement negotiation and litigation	Benefits planning for permanent disability (to ensure that a workers' comp settlement doesn't affect your SSD benefits)

Free Consultation — No Fee Unless We Win

Call, email, or stop by. Reid will talk with you personally.

704-633-0860

reidacree@acreelaw.com

acreelaw.com

225 North Main Street, Suite 402 ·
Salisbury, North Carolina 28144

Fax: 704-633-1944

No Recovery — No Fee

Workers' compensation cases are handled on a contingency fee basis. You pay nothing unless Reid wins your case. Attorney fees are subject to NC Industrial Commission approval. There is no cost to consult, no obligation to hire, and no risk to calling.

**You did not cause this. You deserve to
fight for it.**

*The insurance company has lawyers
working against you from day one. You
should have one too.*

**Acree Law Firm · 704-633-0860 ·
acreelaw.com**

ACREE LAW FIRM · acreelaw.com

Whoever gave you this book wanted you to have it.

That means someone who has been through this — or watched someone they care about go through it — thought about you when they saw this book. They wanted you to know your rights before the insurance company counts on you not knowing them.

- ◆ What your employer and their insurer are required to do — and what they're hoping you don't find out
- ◆ The deadlines that can end your claim permanently if you miss them
- ◆ How to protect your benefits, your medical treatment, and your right to a fair settlement.



"I had a very complicated case that other attorneys had turned down. Reid took it, fought for me, and got me a result I never expected. He kept me informed every step of the way and always made me feel like my case mattered."

— Johnny G., Client



M. Reid Acree, Jr.

Nearly 30 years representing injured workers in North Carolina. Board Certified Specialist in Workers' Compensation Law. - NC State Bar. Fewer than 115 claimants' attorneys in the state hold this distinction.

Acree Law Firm · 225 N. Main Street, Suite 402 · Salisbury, NC 28144

704-633-0860

Free Consultation · No Fee Unless We Win
Call today. There is no obligation and no cost to talk.

acreelaw.com · reidacree@acreelaw.com · 704-633-0860