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DO I HAVE A CASE?

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> PUBLICATION #2

RECOMMENDATIONS FOR PROTECTING YOUR RIGHTS UNDER THE ILLINOIS WORKERS' COMPENSATION ACT**By: T. Fritz Levenhagen**DO'S & DON'TS UNDER THE ILLINOIS WORKERS' COMPENSATION ACT

1. DO report any injury to your employer or other individual in a supervisory capacity. This must be done within 45 days of the accident.
 2. DO keep a list of all witnesses.
3. DO consult your own doctor or go to a hospital emergency room as soon as possible.
 4. DO keep copies of all medical records or personal injury reports.
5. DO file an Application for Adjustment of Claim with the Illinois Industrial Commission as soon as possible. A claim must be filed within three years of the date of injury or two years from the date of last payment of weekly workers' compensation benefits, whichever is greater.
6. DO consult with legal counsel who specializes in Workers' Compensation and/or other injury claims. Even if you do not wish to retain counsel immediately, most law offices offer free initial consultations concerning injury claims.
7. DON'T sign an injury report or give written or tape recorded statements to your employer. You are not required to sign anything for your employer under the Workers' Compensation Act.
8. DO obtain written 'no return to work slips' from your doctor. If your doctor is releasing you with restrictions, insist on having those restrictions in writing and in detail. Insist on a written explanation for "light" duty.
9. DON'T select more than two physicians unless you obtain a referral from one doctor to another. Your employer is only required to pay for reasonable and necessary medical expenses incurred by two physicians or your own choosing and any referrals from those two physicians.
10. DO keep track of mileage. Your employer is required to pay for reasonable and necessary travel expenses incurred for seeking treatment for work-related injuries.
11. DON'T allow your employer to shop for physicians who will testify consistently with the position that your employer seeks to take at trial. Although your employer is entitled to an independent medical examination under the Act, your employer is not entitled to engage in physician shopping. If your employer tries to send you to a number of physicians, all with the same specialty, it is likely that your employer is shopping for a physician to defeat your claim.

