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Seeking workers' comp? SEEK COUNSEL!

Workplace injuries are commonplace for one primary reason: we spend so much time at work. While blue-collar injuries are prevalent due to the physical nature of the work, office workers, nurses, and other professionals are also injured on the job.

If you are injured on the job, report it to your employer immediately. After filing a report, seek legal representation. Many people feel uncomfortable seeking legal help, but the truth is that workplace compensation laws are complex, the application process can be confusing, and there are dozens of categories of benefits that an injury could fall under. You can be sure that your employer will be represented; you should be, too.

Receiving compensation during a prolonged injury is necessary for most workers to continue to support their families. An experienced workers' compensation lawyer will be able to secure the full range of benefits and compensation available for your unique situation.

Aside from seeking legal counsel, if you are injured on the job, you should:

- Get emergency medical attention if needed.
- Alert a supervisor about the injury, in writing if possible.
- Be sure to get a copy of the First Report of Injury or Illness form, and file it with the same Division of Workers' Compensation with which the employer must file.
- Choose your own doctor—you have that right.
- Speak honestly to the doctor about the severity of an injury and how it relates to the workplace (make sure to tell the doctor every body part you injured).
- Go to all of your medical appointments. If you don't go, someone could think you weren't really injured at all.
- Keep a record of absolutely everything having to do with your claim. Create a folder so that all the information is in one spot.



If you need our services,
please contact us at...

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How claims are evaluated

As you can imagine, creating a process to evaluate disability claims that is both timely and fair is tough. All claims, no matter the diagnosis, prognosis, and severity, are subject to a five-step sequential evaluation process by the Social Security Administration (SSA) to determine eligibility for benefits:

1. Employment

If an applicant earns \$1,040 or more per month as an employee, the SSA will not proceed with a claim. In order to meet requirements for benefits, a claimant must be unable to engage in substantial gainful activity for at least 12 months.

2. Severity of condition

Having a condition isn't enough to qualify for disability benefits; the condition must limit the ability to work.

3. Listed impairments

The SSA has a list of conditions that it considers severe enough to impact the ability to work. If an applicant meets the conditions of a listing, they should be granted benefits.

If an applicant doesn't meet (and many don't!) all the criteria of a listing, the SSA will also consider:

4. Past relevant work

The SSA will consider a claimant's current impairment and past work to see if the person might be able to perform a past job.

5. Other work

If they can't perform past work, the final step of the evaluation process is deciding whether an applicant can do other work. The judge will consider the level of functionality and the skill set of the claimant. If they determine that a claimant cannot find other work, the claim is granted. Advanced age (over 50) is taken into consideration during this step of evaluation.

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Cyclists should look out...for other cyclists

Whether you are a casual bike rider or an avid cyclist, you are probably aware of the dangers presented by other vehicles and even pedestrians, but you should also be aware of other cyclists. Injuries sustained in a bike-on-bike collision can be very serious and even fatal.

In summer 2013, such a collision killed a 20-year-old Pasadena man. He was hit by another cyclist who was riding against the flow of traffic, or riding salmon, as it is called among cyclists. The victim sustained a serious head injury when his head hit the pavement. He was not wearing a helmet. Even so, the rider riding against traffic, which is illegal, could be held liable for the man's death.

Ride well with other cyclists

- Follow the rules of the road; bike with traffic.
- Pass on the left and not the right.
- Slow traffic should stay to the right.
- Ride single file for safety.
- Maintain a safe distance between you and other bikes.
- Wear a helmet.



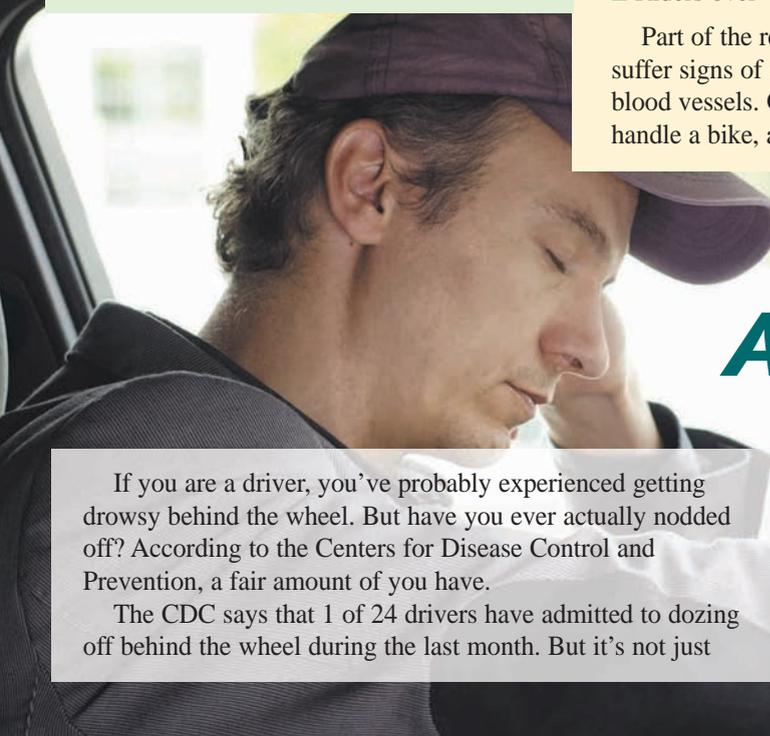
MOTORCYCLISTS OVER 40 at higher injury risk

Riding a motorcycle is risky. The freedom and the connection to the environment that the rider experiences comes at the price of increased risk of injury or death in an accident. Those over the age of 40 are at higher risk.

The over-40 crowd is the fastest-growing age group of motorcyclists. People over 40 tend to have more time and more money. For some, this translates into a bike. The journal *Injury Prevention* found that in comparison to younger age groups, those over 40 are three times more likely to suffer from serious injuries in an accident. A 2010 study by the University of Rochester Medical Center found that hospital stays were longer and chance of death higher for riders over 40. Other findings from the study include:

- Fractures are twice as common in riders over age 40 than younger bikers.
- 32 percent of injured riders over 40 are treated in the intensive care unit, compared with just 27 percent of riders under 40.
- Riders over 40 are more likely to experience complications, such as pneumonia, blood clots, and infections.
- Riders over 40 are up to twice as likely to die from less severe injuries.

Part of the reason for higher injury risk may be that older bikers may start to suffer signs of aging, such as delayed reaction time, declining vision, and thinner blood vessels. Other factors include overconfidence in the ability to ride and handle a bike, and riding larger bikes that are more prone to flip.



ASLEEP at the wheel

If you are a driver, you've probably experienced getting drowsy behind the wheel. But have you ever actually nodded off? According to the Centers for Disease Control and Prevention, a fair amount of you have.

The CDC says that 1 of 24 drivers have admitted to dozing off behind the wheel during the last month. But it's not just

falling asleep that can be deadly; the organization reports that driving drowsy is comparable to driving drunk. Next time you find yourself sleepy at the wheel, pull over and take a break.

If you or a loved one has been injured in an accident involving a drowsy driver or someone who has fallen asleep at the wheel, call our office to discuss your rights.

When animals **BITE**

A little girl's dream turned into a nightmare when she was bit during an encounter with an overeager dolphin in late 2012. The girl's injuries weren't serious, but it got many thinking: What responsibilities do zoos, aquariums, and other theme parks and facilities featuring animals have in protecting guests, and what are the responsibilities assumed by the guest when entering the facility or participating in an animal encounter?

Parks and zoos do have a duty to keep their guests safe, despite the inherent danger of the attractions. For example, guests at the dolphin encounter at SeaWorld are repeatedly told to keep trays of food hidden on the sloped edge of the dolphin pool. The 8-year-old in this example innocently held up her empty container—to show her mom that she was done—near the edge and a dolphin jumped for it, biting the girl.

The family said it had no plans to file suit, but if they would and could were topics of debate.

Here are some questions that a lawyer will explore when considering such a case:

Did the park demonstrate negligence by not providing reasonable care that contributed to or caused an injury? It could be argued that SeaWorld failed its duty to protect guests by not explaining why the food trays should be hidden from the dolphins. It's plausible that the girl may not have been as likely to forget to keep her tray on the ledge had she been told that she could get bitten. This would be weighed against the assumed risk taken by the guest. It's reasonable to assume that by participating in an up-close feeding encounter with an animal, one could be bitten.

PROVING emotional distress

Emotional distress is a tough concept to grasp. It affects everyone differently and it is hard to measure. You can't document it with an X-ray or other test. In fact, sometimes emotional distress is more prominent and longer-lasting than physical injuries. Here is how attorneys are able to show emotional distress:

Medical documentation: Sometimes people suffer from stress-related injuries such as ulcers or headaches. Medical records can be used to show such injuries. In addition, or in the absence of physical injuries, a letter from a physician or psychiatrist commenting on emotional well-being can go a long way toward supporting a claim of emotional distress.

Cause: When distress is caused by an extreme or unusual event—being mauled by a zoo animal or surviving a bombing, for example—it is easier to prove than an event like a car accident. Also, when you are physically harmed, proving emotional damage is easier than if you don't have a physical injury. In fact, in many cases mental distress awards are only allowed if physical harm is caused. Although in some cases, libel for example, emotional damages can be won if the distress caused is severe.

Intensity: It's easier to show emotional distress when it's extremely evident and intense.



Asbestos update

Even though manufacturers knew the deadly dangers of asbestos products 70 years ago, they concealed health hazards from workers and the public. In the 1970s, asbestos use became limited but was not totally banned, because the asbestos industry successfully lobbied against the prohibition of its use. But corporations continue to wage legal and public-relations battles to avoid accepting responsibility. Here are some recent developments.

Asbestos industry seeks protection

The asbestos industry and its allies are spending millions of dollars trying to win a bailout from the U.S. Congress. They want to deny most victims of asbestos poisoning the right to even go to court. The industry claims these victims, who are sick but not yet dying, are “unimpaired” and should lose their legal rights.

Thank you!



Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these “VIPs” as well as we care for you.

Unreasonable danger

A 66-year-old construction plumber who was exposed to asbestos between 1950 and 1970 is now suffering pleural malignant mesothelioma and undergoing chemotherapy. His lawyers negotiated a postverdict settlement following a jury award by demonstrating that the asbestos products with which he came into contact were unreasonably dangerous, and that product manufacturers and distributors failed to warn of their danger.

If you suspect that you or a loved one has been injured by asbestos, contact an attorney right away. The law limits the time anyone has to act. An attorney may be able to help not only with workers’ compensation and actions against responsible parties, but also with compensation for medical care, lost wages, and pain and suffering.

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What is an alleged onset date?

When a person files a claim for disability benefits, they will need to tell the Social Security Administration (SSA) the date on which the disability occurred. The alleged onset date (AOD) is important because it tells the administration exactly how much a claimant will receive in past-due benefits if they qualify for Social Security Disability Insurance (SSDI).

Sometimes, determining an onset date is easy. For example, if a condition is from an accident or medical event (heart attack, stroke), the date of the event would typically be considered the onset date. When a condition

gets progressively worse, on the other hand, determining the date that one can no longer work can be tricky. If a claimant has been unable to work for 17 months, they will be awarded a full 12 months of back pay (there is a five-month waiting period) if medical and other records support the onset date.

In order to receive SSDI, one must be unable to work for a duration of 12 months. The onset date is important when receiving benefits in a case in which the claimant is able to return to work. For example, if the SSA changes an onset date

by one month, someone disabled for a 12-month period would no longer be eligible to receive SSDI.

Can the SSA change AOD?

If the SSA has evidence to show that the date you provided is wrong, they can establish a date which is referred to as the established onset date. Claimants have a right to request an appeal if the SSA establishes an onset date that they disagree with. If the date still falls beyond 17 months, an applicant would receive the maximum back pay allowed, so arguing the date would make no sense.

To help determine an alleged onset date, or appeal a date established by the SSA, please contact our office immediately.