



SUMMER 2014

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Should I file a personal injury lawsuit?

Every personal injury claim is unique, but there is a predictable pattern within each set of circumstances that can help injured parties determine if a lawsuit should be filed. Accidents and events that cause damage typically happen in an instant: a product malfunctions, a distracted driver hits your vehicle, you fall over an unexpected obstacle.

1. Negligence

The first thing that happens is an act of negligence. Perhaps someone is trying to make a call while driving and hits the rear of your car. This is a classic case of negligence. That person failed to fulfill their duty as a licensed driver to drive safely.

2. The act of negligence causes an accident

Because the driver in the example was distracted by their phone, they barreled into your car. It's easy to see the correlation. But doing something negligent and causing an accident isn't enough to file a lawsuit. The claimant must have suffered loss or injury as a result of the accident.

3. The accident results in injury or loss

If you slip and fall on a wet floor that isn't marked and suffer no injuries and incur no damages, there is no reason to file a claim. If you injure your knee and require surgery and rehab, there could be a significant amount of damages from the accident. Medical bills, rehab bills, and loss of income add up quickly. If the only damage is a torn pair of pants, it wouldn't be worth the expense of a lawsuit to recover \$50.

If you've been injured in an accident and believe it was caused by another's negligence, call our office for a free, confidential consultation.

What's the difference between SSI and SSDI?

If you aren't clear on the difference between Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI), you are in good company. Many people confuse the two programs or use them interchangeably, but they are completely different.

SSI is a program administered by the Social Security Administration (SSA), but it is not disability benefits. It is a federal program that provides a monthly benefit to low-income individuals who are over the age of 65 or who are under age 65 and disabled. Aside from the age and disability qualifications, one must demonstrate financial need. As of December 2013, the benefit rate for an individual is \$721 per month and \$1,082 per month per couple.

On the other hand, SSDI is an insurance program that is funded through payroll taxes. If an adult hasn't yet reached the age of 65 and they become unable to work, and are found by the SSA to be disabled, they can collect benefits based on the number of years that they have worked. In addition, the insured person's spouse and dependent children can receive partial benefits.

Can I receive both SSI and SSDI?

If you receive an SSDI benefit that is lower than the current federal benefit rate (\$721 per month) and are eligible to receive SSI, the income benefit would be awarded to supplement your SSDI benefit. For example, if the SSDI benefit was \$500 per month, SSI would be awarded in the amount of \$241 (SS does not consider the first \$20 of SSDI as an offset to the SSI payment).



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

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The Shale Boom can be dangerous to those who work in the industry

Exploration of Ohio's Utica shale and Pennsylvania's Marcellus shale has brought an influx of jobs and industry to this area. Unfortunately, it can be a particularly dangerous industry. In 2010, the fatality rate for oil and gas extraction workers was seven times greater than the rate for other U.S. industries.

Fracking-related injuries rise as natural gas workers are exposed to risky conditions such as:

- dangerous fracking job sites
- hazardous oil spills
- toxic fracking chemicals
- silica dust

Additionally, natural gas and oil workers stand a huge risk of:

- drilling injuries.
- gas rig injuries
- fracking-related and fracking truck injuries
- welding injuries

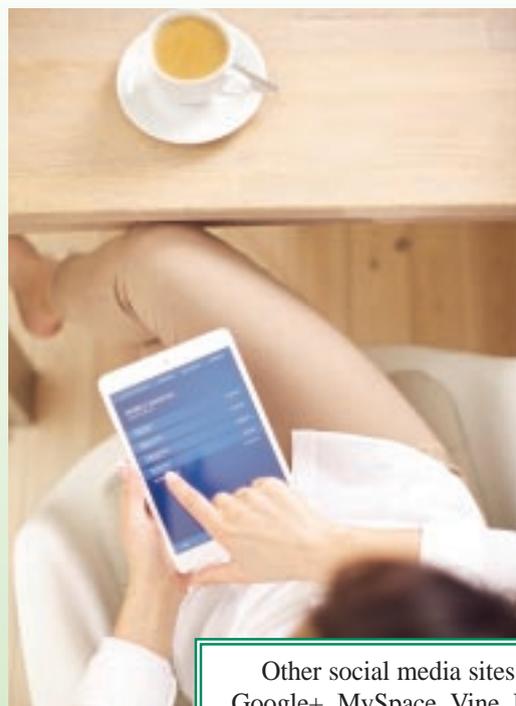
In 2004, an oil worker died after falling into a water retention (mud) pit as he attempted to apply chemicals to the surface. In 2009, one gas well worker was killed and four others injured when exposed to hydrogen sulfide gas released from a pipe.

These are just a few of the tragic stories that are becoming all too common as the fracking and natural gas industry grows in Ohio and Pennsylvania.



For nearly 30 years, **Heller, Maas, Moro & Magill** has been helping injured parties get the compensation they deserve. We are experienced in this area and ready to serve as a resource for oil and gas workers in the dangerous fracking and natural gas industry as well as residents who have been affected by unsafe fracking.

Don't let your Facebook status determine the outcome of your injury or disability claim



Facebook is fun and Twitter is terrific, but they can be harmful to your injury or disability claim if you don't use them wisely—or at least keep them private. Adjudicators on injury and disability claims can and will use all of the information available to them to make a determination on your claim. This includes whatever they can find on the Internet.

Here are a few tips to keep your social profiles from affecting your claim:

Be honest

If you are claiming that you cannot work due to an injury or illness, posting your most recent golf score on Facebook is not a good idea.

Be private

Go to a website's settings and select the privacy level that only allows friends to see your information. Know that this isn't foolproof and that "friends" can forward and share what you deem private.

Be cautious when accepting friend requests

Be sure that you know the individual that you are friending and that they would have your best interests in mind regarding anything you might post.

The bottom line is that if you don't want others to know it or see it, don't hit the "post" button.

Other social media sites that post personal information include Instagram, YouTube, Pinterest, LinkedIn, Google+, MySpace, Vine, Flickr, Snapchat, and Tumblr. Check your privacy settings when using these sites. Better to be safe now than sorry later.

Why was my claim denied?

One of the misconceptions about disability benefits is that they are easy to get. Despite media reports that people are abusing the system left and right, our clients are shocked when they have what seems like a clear-cut case and are denied benefits.

Here are four common reasons that applicants are denied:

You earn too much money

No matter your disability or your prognosis, if you earn too much money per month, you will not be eligible for benefits. That ratio is currently \$1,070 per month (\$1,800 if you are blind).

Lack of medical evidence

Hands down, one of the biggest reasons that people are denied benefits is that there is not enough medical support for the claim. A doctor needs to know that you are filing for benefits so they are aware that you will need to document that you meet specific criteria to meet a condition.

Also, keep your appointments and follow a treatment plan. If you don't feel it necessary to visit a physician and follow orders, it weakens your case.

There are exceptions, such as religious beliefs, mental illness, and financial restrictions. It's best to discuss this with a qualified attorney.

You won't be disabled for more than a year or do not have a terminal condition

Keep in mind that to qualify for disability benefits, a condition must last for more than 12 months or be expected to result in death.

Filing errors and doing your application on the Internet

One of the most frustrating mistakes is a filing error. Missing an important deadline or an incomplete application could be all that is keeping you from the benefits you need. Most claims are being filed online at www.ssa.gov. Those who don't feel comfortable using the online format may benefit from contacting an attorney who will help them file the application. **Heller, Maas, Moro & Magill** has been doing online applications since 2009. Contact us if you would like help filing your claim.

WORKERS' COMPENSATION

What to do if your claim is denied

Employers want to deny workers' compensation claims because worksite injuries cost them money.

Common reasons they deny claims include filing too late, completing forms incorrectly, declaring an injury was preexisting, and citing lack of seriousness of the injury.

An experienced workers' compensation attorney can help an injured worker, using a six-step strategy:

- 1.** Examine a claim to discover why it was denied.
- 2.** Review claim details with the injured worker.
- 3.** Collect appropriate and adequate medical evidence to document a case.
- 4.** Locate accident witnesses.
- 5.** Have a medical expert testify to support a claim, if needed.
- 6.** Utilize a vocational expert to contest an employer's opinion about alternate work an employee can do.

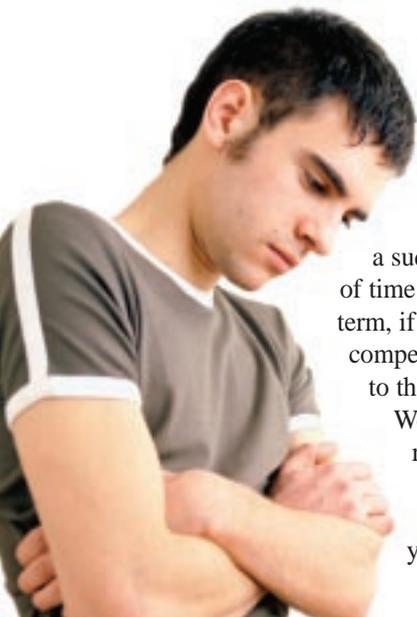
Time frames set by state law limit appeals, so if your claim is denied, contact an attorney right away.

Repetitive injuries

Does workers' compensation cover injuries related to overuse?

When people think of workplace injuries, they tend to think in terms of accidents that result in a sudden trauma injury. In reality, many injuries sustained in the workplace occur over long periods of time when the body is subjected to repetitive motions. Even when injuries are sustained over the long term, if they are due to work-related activities, an employee is entitled to benefits through workers' compensation. Employees who experience overuse injuries on the job should submit an incident report to their supervisor or human resources department as soon as the injury or condition is identified. Workers' compensation benefits may include compensation for employees unable to work while receiving treatment, permanent impairment benefits, and payment for medical treatment and vocational rehabilitation.

If you've been injured on the job, an experienced workers' compensation attorney can help you get the compensation you deserve.



WORKERS' COMPENSATION



Here are three little-known, potential workers' compensation benefits for injured workers and their families:

- A spouse and dependents of a worker who dies in a work-related accident may be entitled to as much as 66⅔ percent of the worker's annual salary at the time of death. Benefits may apply for the spouse's lifetime or children's or others' periods of dependency.
- A worker can file an "occupational claim" for an injury or disease that develops over years or even over decades of employment. The condition need not be the result of a single accident.
- A number of credit card and life insurance company policies may offer disability benefits to workers.

If you have been injured or disabled while on the job, contact an experienced workers' compensation attorney right away. Without appropriate counsel, you may never become aware of benefits to which you are legally entitled.

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.

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THINK before you TEXT



If you know your friend is driving and you want to send him/her a message, you had better think twice before hitting "send." A New Jersey court has ruled that texting an individual who you know is behind the wheel can make you partially liable for an accident should the recipient of the message crash while reading the text. The *ABA Journal* (American Bar Association) reported that the appellate court ruled that a texter "has a duty not to text someone who is driving" if the sender knows the person "will view the text while driving."



This doesn't mean that someone who has no idea that the recipient is behind the wheel would be held liable for an accident. It means if you know that a person is driving and have reason to believe that they will read the text while driving, you could be held partially responsible for an accident that results from that text.