

DETROIT REVOLUTIONARY MOVEMENT RECORDS

BOX 5 OF 16

FOLDER 28

R GLOTTA WHAT YOU
SHOULD KNOW ABOUT
BENEFITS

WHAT
YOU
SHOULD
KNOW

ABOUT BENEFITS
DURING ILLNESS

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INTRODUCTION

Over the last thirty years thousands of people have struggled to make advances in the quality of life for the working man. This movement has attempted to provide the working man with decent wages, safe working environment and security in case of injury or illness. Unfortunately, the resistance has been strong and the advances have always been too slow. ~~However~~, some positive advances have been made. Through the sheer will and courage of many, the workers today can expect to receive a subsistence income in case they have a work related injury or illness.

It is important that the worker who reads this pamphlet realize that the forces that have resisted the workers collectively over the years are presently waging battles against individual workers when those workers become injured and seek the minimal benefits provided for them.

The companies have in their arsenals vast sums of money and teams of lawyers who are willing and anxious to work to see the workers' benefits denied to him in a court of law.

This pamphlet is designed to help minimize the likelihood that a worker will lose his benefits because of some legal "pitfall" he has fallen into. This pamphlet will tell you what benefits you are entitled to and the proper procedures to follow to insure that you receive those benefits.

As you read this pamphlet it is important that you realize that you must always be alert to injuries which you receive while working. You can never pass off lightly any injury and should report all of them. Keep in mind that almost any plant is destructive to your health. Almost any illness which a worker suffers either originates or is aggravated by the work environment.

This pamphlet will outline three areas which will help you receive your rightful benefits:

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1. HOW TO SPOT A WORKMEN'S COMPENSATION CASE

This will include a discussion of the many other benefits a worker is entitled to. Workers must learn that an employer must pay even when it is the employee's fault that he was injured. Workmen's compensation includes diseases of the lungs; bladder; heart; back; etc.

2. ESTABLISHING A CASE.

When a worker is hurt he must learn how to protect his rights (i.e., establish his case). He must know what steps to take to establish his case so that he will not lose in court.

3. ENFORCEMENT OF RIGHTS.

Finally, after a worker has established his case he must know how to enforce his rights. This is the most difficult and most over looked area. Workers should learn at least some of the ins and outs of how to relate to lawyers, doctors, judges and clerks. He must know these things before he is injured or sick because afterwards is too late.

SECTION I - BENEFITS

Before an injured worker can know what funds are available he must first know what he is entitled to. If a man is not working then he is possibly entitled to the following benefits: 1) Social Security - disability and retirement, ^{and} ~~or~~ don't forget widow's benefits; 2) pension; 3) sick and accident benefits; 4) unemployment compensation; 5) workmen's compensation; 6) personal injury damage; 7) veteran's benefits; 8) welfare benefits; and 9) private insurance benefits. All of these benefits are tax free income. Some of these programs overlap but, in many cases, a person can collect several different benefits while he is off work. The above list is probably not complete.

The four most immediately accessible benefits are unemployment, sick and accident benefits, workmen's compensation and private insurance. Immediately accessible means that these are benefits which a worker should be able to report and fairly quickly start receiving his money - but remember there are always many exceptions about how fast you can get your money, you must always be ready for at least a month's dry spell, no matter how clear the case.

1. Unemployment Compensation

The agency giving out these benefits is listed in the telephone book under Michigan Employment Security Commission (222-1837); the agency has offices all over the city so check to find the one closest to you. Unemployment compensation is generally thought to be paid whenever there is a shortage of work with an employer so that he lays off workers. There are times when an injured or sick worker can collect unemployment compensation which they often don't receive. The way to receive these benefits will be discussed later.

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There are pitfalls which have to be avoided when applying for unemployment compensation. These pitfalls are:

1. You have to demonstrate that you are seeking employment and if something should come up that you would be able and available to do it.

2. If you are injured you have to explain that you are seeking work which you are capable of performing. It is here that the injured worker benefits from unemployment compensation. All the worker has to demonstrate is that work which he is capable of performing is not available.

3. If you have a skilled trade it is sufficient that you demonstrate that you are not able to be placed through the Union. It is not necessary for you to seek employment outside of the Union.

2. Sick and Accident Benefits

Almost all employers in Wayne County have some group insurance protection

called sick and accident benefits. Ford Motor has John Hancock Insurance, General Motors Corporation has Metropolitan Insurance; Chrysler Corporation has Aetna Insurance. This insurance is designed to pay for sickness or injury causing disabilities which are not connected with a man's work and, therefore, are not covered by workmen's compensation. The amount is limited to 52 weeks, generally, for one disability, and medical is also limited as compared to workmen's compensation which is designed to pay for the length of the disability (lifetime if necessary) and complete medical.

In applying for sick and disability insurance the worker has to be very careful that he doesn't fall into one of the "pitfalls" which were mentioned earlier. The worker has to be very careful that he doesn't make serious mistakes in applying for sickness and disability insurance which will later hurt him in his attempts to receive workmen's compensation. Indeed, the companies foster an approach to sickness and disability insurance which they know will ultimately hurt the worker in his suit against them for workmen's compensation. The approach of the company is to tell the worker to "say you were injured at home and you will get ~~in~~ your money right away." Thus, many workers do this because they feel that this is the only way that they can receive their money right away. This is false. The worker does have an alternative - he can say that he was injured at work and promise to repay sickness and accident benefits if he eventually collects workmen's compensation. This is done all the time in big cases, it should be done even in the small cases which may turn out to be important. A worker need not and should not say that he was injured at home simply to get sickness and accident benefits even if he thinks he will only be off for a few weeks. Sometime later, the false statement made to receive sickness and accident benefits can be used by a judge to deny a worker any workmen's compensation benefits.

A worker cannot get these benefits without a statement from the doctor (his) explaining the disability and its cause. The insurance company will provide a form

for the doctor to fill out; the sooner the worker gets this form and has it filled out the better off he is. He should take it to his doctor, wait for the doctor to fill it out and take it or mail it to the insurance office. The form the doctor fills out should be read carefully. Generally, there is a question "Is the disability due to the man's work? Yes or No." The doctor should be told either to not answer that question or to answer it "Yes." This is so, because under present procedures, the worker can still receive his benefits even with a Yes answer. Another alternative is to have the doctor answer the question "No." But if the doctor says the disability is not due to the man's work then the report can always be used against him in a court of law.

Workers often receive sickness and accident disability benefits when they are involved in automobile accidents although most of these accidents are not connected with the work environment. Earlier or later work injuries would still entitle the worker to workmen's compensation. If the worker's auto accidents result from his fault then he has money to keep him going during a disability. If the accident was the fault of another person then he can collect his sick and accident benefits and, in addition, collect his lost wages (as well as pain and suffering, etc.) from the wrongdoer and need not repay the sick and accident benefits. Again, the speed in which he receives his benefits depends on getting a report filled out by the doctor.

In previous automobile accidents the "period of disability" becomes important. The question is how long will the weekly benefits last and how can the worker get this period extended. Each policy is different so the worker must read his policy carefully or take it to a lawyer for advice, but the answer to this question is something everyone should know before he is injured. An example will help explain the problem: Ford has John Hancock which pays for fifty-two weeks for one "period of disability." If a man is disabled for a longer time, he must find some other means of support. But if he can return to work for seven days he can reestablish another fifty-two weeks. No matter what the injury, the worker should be able to drag himself to work for seven days which gives him another fifty-two weeks at

\$80.00 or more per week. After six months of disability, ^{the} sick and accident carrier automatically reduces benefits since he assumes the worker is getting social security money for a permanent and total disability. The fact is that the worker usually has not yet even applied for social security. If the man has that serious of an injury, he should seek social security immediately and plan to handle the loss in benefits when the six months run out (or return to work and establish a new period of disability).

3. Have Workmen's Compensation

Most injuries and/or illnesses a worker suffers from can be related one way or another to his work. Look at the facts: fifty per cent to eighty per cent of a worker's waking time is spent on a job. This is the time he puts the greatest strain on his body - both emotional and physical. Therefore, it follows that this would be an important element in causing any disability. Once people start viewing the problems in this light, they will begin to look at industry more carefully; the many chemicals used by workers; the constant bending and lifting; the way a tired body is more severely injured when an added strain is piled on.

Generally, only backs and lungs are recognized as obvious connected cases. But there are many more types of cases. An example illustrates the point.

A man dies from a heart attack one year after leaving work. He has a long history of a skin rash around his ears and of another heart attack two months before the fatal one, neither of which occurred at work. It turns out that the skin rash (discoid lupus erythematosus) was caused by exposure to welding arcs which is similar to the ultraviolet rays of sunlight. Four fellow workers testified that the worker wore an old-fashioned welder's mask that did not cover his ears. His doctor for the rash testified that it was caused by the welding flashes; he further explained that the disease turned into the man's body (now called systemic lupus erythematosus) and required a certain kind of medicine (steroids) which caused the blood to clot extensively. Eventually, a clot lodged in the heart so they took the

man off the medicine. Three months later he had another heart attack and died. The relation to the work he performed is: 1) the work caused a skin rash; 2) the skin rash caused an internal disease; 3) the internal disease required medicine; 4) the medicine caused the first heart attack; 5) the first heart attack made the second heart attack more likely. The entire case depended on the testimony of the fellow workers. The importance of the case history is to understand how a chain of events is developed so that workers can more easily spot work related cases.

Heart attacks are more often simply related to the work that a man is doing. Hypertension can be aggravated by heavy work or hot work or even by tedious work. Aggravated simply means made worse.

Cancers are caused most of the time by outside chemicals of one type or another; bladder cancer by distillation of oil; lung cancer, not only by cigarettes but by other chemicals of a like nature. Many of these chemicals found in cigarettes are also found in the manufacturing process.

The problem is that workers, doctors and lawyers often never think how can this sickness and/or injury be related to my work? If workers started thinking how their work caused physical problems then they would help both their lawyers and doctors. For instance, a cancer of the bladder is caused 95% of the time by industrial exposure. A recent case illustrates the necessity of a worker checking for a relationship between his illness and his work environment. A man entered the hospital without telling his doctor that he had had forty-one years of exposure to distillants of coal tar. The doctor, of course, rarely asked this question and assumes that the symptoms are caused by cancer of the prostate, which often occurs in a 65 year old man. The man had a prostatectomy which does not help and he dies 6 months later. Only after the lawyer gets involved and tells about the industrial exposure do the doctors realize that the man was suffering from cancer of the bladder, not prostate. As this example illustrates, it is imperative that every worker should ask when he gets sick, how could my work have made this worse? Then, if he cannot think of a reason, ask fellow workers and then perhaps a lawyer or a doctor

telling them of all the incidents of the work he performs.

4. Street Insurance

There are many private disability insurance policies being sold in Wayne County which claim to pay for disabilities. Most of these are no good and pay only when a man gets run over by an elephant on Woodward Avenue between 3:30 and 4:30 a.m. Since many people have bought such policies they should be mentioned.

When a worker is injured these companies must be notified immediately both by letter and by phone. The worker should keep copies of all letters sent to such companies and never lose the policy. Once notified, the company will send the worker a form to be filled out. This form is a very carefully phrased legal document and any wrong answer will give a company a basis for denying benefits. Generally the form also includes a page to be filled out by the doctor and is worded in such a way that if a doctor answers in a wrong way, the worker will not receive his benefits.

The worker has two alternatives: he can read the policy very carefully and the form so that he knows why the questions are being asked and do the same with the doctor's page, or he can see a lawyer for advice. The doctor's form should be filled out by the worker or his lawyer and have his doctor merely sign it.

Actually, these benefits are so difficult to collect that they should not be included under readily available benefits. Since sometimes you can collect some money these insurance policies should be considered immediately as a possible source of small amounts of funds. Of course, in death cases the money is usually immediately available.

Once again, however, the forms should be read carefully, "accidental death" usually pays more money. "Accidental death" doesn't simply mean having your head chopped off by a flying saucer as your insurance claims agent tries to tell you. It means any death, even heart attack, which is caused by some accidental means. The death certificate has a box to be filled out by the coroner as to whether the

death was "accidental, suicide or homicide." The coroner usually says natural even though that is not always true. Of course, it helps the insurance company if "natural causes" is filled in. The next-of-kin can fight to have them put down accidental or at least unknown at this time. The same is true for the box "injury at work?" The next-of-kin should assert that he either leave it blank, unknown or yes, there was an injury of work if he can think of one. Accidental injuries at work are the best answers on death certificates in terms of assuring that the most benefits available will be paid.

SECTION II - BENEFITS MORE LIMITED IN SCOPE AND READILY AVAILABLE

5. Social Security

Social Security, as presently viewed by our conservative Congress, is available only to older people or the very sick or severely disabled person. Under present law, a person can get social security if he is 62 or permanently and totally disabled or is a widow over 62 or a widow with children.

The important point to remember is that any time a person is disabled 6 months (or sees that he will be so disabled) or is made a widow, he or she should go to the local social security office and make an application for benefits. They are required to either give you benefits or tell you exactly why the benefits are being denied. The central office for the Social Security Administration is 1214 ^{Fox Bldg} Griswold Building, (222-4933) but there are numerous neighborhood offices listed in the telephone book. Any person over the age of 40 who has a severe disability should consider contacting the social security office. If he is under the age of 40 he should avoid the social security office unless he has an extremely severe injury. In dealing with Social Security, it is extremely important to see that the worker's doctors fill out the forms provided by social security. The social security administration will send the applicant to a doctor who is usually conservative, but if the worker relates well with the doctor then he will undoubtedly get his social security. If

he is denied his benefits, he should then see a lawyer who says he handles social security cases - not just a general lawyer.

The worker will be interviewed by a social security case worker. The question which the case worker will try to answer is whether the worker is permanently and totally disabled. Can he do work he was doing? If not, is he capable of doing any other work? If the answers are "no" then the worker receives benefits. The form which the worker's doctor fills out is asking these questions. The worker should read the form very carefully and help the doctor in filling it out so that his responses allow the worker to receive benefits.

6. Pension

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A pension is limited to the long term worker. The right to a pension usually vests after ten years in most contracts. Generally, the worker must wait until he reaches 62 or 65 to receive benefits unless he is totally and permanently disabled. In some pensions age and seniority are added together to reach a number which allows an early retirement.

Also use
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doctors
Proving permanent and total disability appears to be a mystery at the present time. Many workers who have doctors to confirm disability are receiving social security benefits which have the most rigid possible tests for total and permanent disability. Often these same workers are denied a pension. It is very difficult to prove permanent and total disability for the purposes of receiving a pension. Pension boards are generally made up of a combination of union and company representatives. Medical testimony is less important in receiving benefits for pension than a close personal relationship with the union representative. This is true because there are no standards for the hearing or any way of knowing how the board is reaching its conclusion. This information only comes from knowing the board members. This is one area where a lawyer is not very helpful and is also an area where the worker has to have more knowledge on how to receive benefits.

7. Personal Injury Damages

Personal injury damages involve a vast area of injury caused by other personal wrongs. Any time a person suffers injury or sickness, whether work related or not, he must ask: how could due care by someone other than my employer have prevented my injury or sickness? Automobile accidents, all construction injuries, diseases caused by industrial intoxicants, these injuries are just a few of the types of the injuries which may deserve treatment by a tort law suit. All these cases need a lawyer. A few can be settled without a lawyer, but if such is attempted, a person should keep the following in mind: he is entitled to payment for 1) pain and suffering; 2) loss of earning capacity; 3) loss of enjoyment of life; 4) disfigurement; 5) medical expenses.

When a person is seriously injured involving negligence, then he must see a lawyer immediately because you can be assured that the insurance companies are out getting statements, hiding facts, etc., all of which is intended to beat the worker out of his just damages. The only way an injured person can fight this is to get a good lawyer who can counter attack by getting statements that show the truth, finding experts, etc. One thing to remember - the person who is injured must preserve as many facts as possible because they must prove these facts. If a lawyer is not contacted then at least take photographs of the car or other item which caused the injury and keep all the instruments of this injury.

8. Veteran's Benefits

The best payment from the Veteran's Administration is for a service connected disability. Such a disability usually occurs in the service or shortly thereafter and present no problems.

For non-service connected benefits he must visit the local office Detroit Regional Office is 210 Gratiot Avenue, (874-2340).

Getting benefits involves less the submitting of medicals, although that may be important, and a lawyer here can help, than in contacting your local congressman.

A political friend helps more here than anywhere else.

9. Welfare

Welfare is left for last because it is literally the last straw that one grabs. It provides the least benefits for all those above outlined. One has to prove that he is completely down and out before he receives anything. There are many traps - for instance, to get disability money you must have a doctor's statement saying that you will be disabled for at least three months. If the statement says "unknown" you don't receive benefits. Probably the best action here is to go first to the Neighborhood Legal Services office in the Professional Building, Woodward at Peterboro, to get free legal advice and then to go to the welfare office. In that way, you are less likely to be cheated by the welfare office.

FACTS YOU SHOULD KNOW ABOUT WORKMEN'S COMP

- 1) Immediately report every accident or on-the-job sickness to your foreman. Then immediately request a medical pass and go to the Medical Dept. Remember: a foreman can never refuse to give a medical pass. If he does, call your steward. If you can, make a note of the exact time of the injury and any witnesses.
- 2) It's important to understand the difference between Workmen's Compensation and Unemployment Compensation. Unemployment Compensation is that compensation which a worker collects in a situation where he's laid off because the company is cutting back for economic reasons, or he decides to leave the job for different reasons, or he's fired. Workmen's Compensation applies to situations where a man is injured and not working because of that injury. Injury includes accidents, disease, sickness, illness - everything.
- 3) Workmen's Compensation covers all injuries and illness which occur on the job or are in any way connected to the job. Every back injury, heart disease, or lung problem will in some way be related to the work. If the injury is absolutely in no way related to your work, then you collect group insurance.
- 4) If you're injured anywhere near the plant then it's workmen's Comp (includes going to your car).
- 5) If your work makes a condition worse, it's workmen's comp. For example, sugar diabetes, tuberculosis can be aggravated by long hours of hot or heavy work. These cases relate to "aggravation of a pre-existing condition."
- 6) If you're unhappy with the nurse's treatment, demand to see the plant doctor. If you're dissatisfied with his treatment, demand to see an outside specialist.

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- 7) If the plant medical dept. will not cooperate or give adequate treatment, go to a major hospital. A good one in Detroit is Harper Hospital.
- 8) Another possible way to deal with an uncooperative or incompetent Plant Medical Dept. is to complain to the plant Workman's Compensation Representative, or write to the Workmen's Compensation Department in Lansing: Jack Myron, Director, Lewis Cass Bldg., Lansing, Michigan.
- 9) The law requires the first Workmen's Compensation check to be mailed to you within 14 days after the date of injury. Report all cases of late payment to the Workmen's Compensation Department in Lansing, c/o Jack Myron.
- 10) Try to get your case handled under Workmen's Comp. if at all possible. It's a better deal than group insurance. Group Insurance does not pay for such things as transportation to and from a doctor or hospital, drugs and office visits. Workmen's Comp pays for all these things. Group Insurance does not cover many types of cases-like teeth. Also group insurance benefits do not last nearly as long: Workmen's Comp benefits can last a lifetime; group insurance benefits are limited to a year.
- 11) The amount of Workman's Comp you're entitled to under Michigan law depends on the date of your injury and the number of dependents you have. If you were injured after Jan. 1, 1970, the rates are as follows:

0	Dependents	.....	\$ 75	per week
1	"	.....	\$ 80	per week
2	"	.....	\$ 86	per week
3	"	.....	\$ 92	per week
4	"	.....	\$ 98	per week
5+	"	.....	\$104	per week

- 12) Don't let yourself be sluffed off to Group Insurance if there's a chance your case is Workmen's Comp. Some Workmen's Comp Reps try to do this to reduce their own workload. If this happens to you, complain to the Workmen's Comp Commission in Lansing.

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- 13) You're entitled to weekly Workmen's Comp benefits as long as you're disabled from working because of a work injury. If the plant doctor claims you're able to return to work and you disagree, demand to see an outside specialist or see your own doctor.
- 14) Beware! Chrysler gives the Workmen's Comp rep. in each plant the right to put detective agencies like Pinkerton's on your tail. If your neighbors tell you someone was around asking questions about you, you know what's happening: your privacy is being invaded. Complain about it to the Workmen's Comp Commission, Lansing.
- 15) The plant doctor may put you on a "P.Q.X." coding for lighter work. If he does, insist he tell you exactly what the coding means. If your foreman doesn't honor the coding, work very slowly and ask for your steward. Consult your own doctor, if you doubt the P.Q.X. coding is correct.
- 16) Very important! Be sure the plant nurse or doctor records your injury in your medical chart every single time you go to first aid.
- 17) You have a right under the law to examine and have copies of all medical records. Give the Workmen's Comp Rep. your demand which should include the date, your name and badge number and the words "I demand my medical records."
- 18) You can refuse an operation or other hospital procedures. For example, many plant doctors like to have myelograms performed on employees with back injuries. Myelograms are painful, keep you sick for days and are often unnecessary.
- 19) Taxi and ambulance are the usual authorized forms of transportation to the doctor or hospital. You may drive your own car to a hospital or doctor's office especially if it's a long way from your home. In these cases, the law says you're entitled to 9 Cents a mile, in advance, for each mile beyond 5 miles from your home. You're also entitled to reimbursement for parking expenses (save your receipts) and

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reasonable meal expenses.

20) Michigan law requires you must treat with the company's doctors or hospitals for the 1st 60 days after your injury. After the 1st 60 days you're entitled to treat with your own doctor (except chiropractors, faith healers, etc.) and the company has to pay the bills. Notify the Workmen's Comp Rep. in writing of the name and address of your doctor and ask your doctor to send his bills and report to the Plant Medical Dept. It is generally better to cooperate the first 60 days. If you're getting whipped around or in any way mistreated by the company doctor you have the right to go to your own doctor even within the first 60 days. You must notify the company in writing of the reason for seeking your own doctor.

21) The same thing applies to drugs, crutches, etc. Save your receipts and give them to the Workmen's Comp Rep. so he can reimburse you.

22) The Workmen's Comp Rep. will ask you to sign a statement - Medical Authorization Form - and a dependency affidavit. You don't have to sign anything, but if you don't you give the company a good excuse to delay payment on the grounds of difficulty in investigating your case.

23) You can't grieve it if your case is denied by the Workmen's Comp Rep because Workmen's Comp is a matter of law and is not in the contract. Therefore you should see a lawyer. However, you can and should grieve all delays in decision, reimbursements, etc.

24) Workman's Comp also covers damage to items such as toolboxes, cloth and watches damaged when you're injured (also false teeth and eyeglasses). Property damage cases should be reported promptly to the Workmen's Comp Rep.

25) If you're being hassled by the company about your case, or you're confused about it, or you have specific questions, you should contact a competent lawyer.