



THE INJURED WORKER'S ACTION CHECKLIST

The 30-day rule, the AWW math, and the company-doctor trap

An action-checklist companion to the main guide. Read it, mark it, share it.

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ACTION WORKSHEET · PRINT IT · FILL IT IN · CARRY IT

THE DAY-1 INJURY REPORT

Fill this out the same day. Hand a copy to your supervisor. Keep the original.

INCIDENT FACTS

Date of injury: _____

Time: _____

Exact location (department / address): _____

Supervisor name: _____

When supervisor was notified (date + time): _____

Witness #1 (name + phone): _____

Witness #2 (name + phone): _____

Body parts affected: _____

What happened (1 line): _____

YOUR WEEKLY CHECK MATH (AWW)

5 lines — fill them in

1. Add your wages from the last 52 weeks: \$ _____
2. Divide by 52 → Your AWW (Average Weekly Wage): \$ _____
3. Multiply AWW × 0.6667 → Your comp rate: \$ _____
4. If above NC max (~\$1,300/wk 2026) or FL max (~\$1,260/wk 2026), use the cap.
5. That is what you should receive per week while out of work.

THE 2 DEADLINES

Miss either and your claim can be barred

- 1.** 30 days from injury — report to your employer IN WRITING (keep a copy).
- 2.** 2 years from injury — file a formal claim (NC Form 18 / FL DWC-25).

DON'T SIGN: any "release", any "settlement", any "return-to-work" form · call us first

USE TODAY · NO ATTORNEY REQUIRED

Use This Today

Verbatim language you can sign and hand to your supervisor — no attorney required.

The 30-day rule in NC and FL says: notify your employer in writing within 30 days of the injury or your claim is barred. Verbal notice to a supervisor does not protect you — they will deny you said it. This letter creates the paper trail that saves the case. Sign it, hand the original to HR, keep a signed copy yourself.

Written Notice of Workplace Injury to Employer

[Your Full Name]

[Employee ID / Badge #]

[Home Address]

[Phone] / [Personal Email]

Date: [Today's Date]

TO: [Direct Supervisor Name], Supervisor

AND TO: [HR Manager Name], Human Resources

[Company Legal Name]

[Company Address]

RE: FORMAL WRITTEN NOTICE OF WORKPLACE INJURY

This letter is my formal written notice under N.C. Gen. Stat. § 97-22 (if injured in North Carolina) OR Fla. Stat. § 440.185 (if injured in Florida) that I suffered a work-related injury during the course and scope of my employment.

1. DATE AND TIME OF INJURY: [Date] at approximately [Time].
2. LOCATION: [Exact location — building, department, machine, station, address].
3. HOW IT HAPPENED: While performing my regular job duties — specifically [describe task: lifting, operating equipment, climbing, etc.] — I [describe mechanism: felt a pop, slipped, was struck by, fell from, etc.]. I was acting within the scope of my employment and following normal work procedures.
4. BODY PARTS INJURED: [List every body part — be complete: lower back, right shoulder, left knee, neck, head, etc.]. I am currently experiencing [pain, numbness, swelling, loss of motion, headaches, etc.].

5. WITNESSES: [Witness Name 1, phone if known]; [Witness Name 2, phone if known]; [Add all coworkers who saw the injury or heard me report it].

6. MEDICAL TREATMENT: [I have already seen Dr. ___ at ___ on ___] OR [I have not yet received medical treatment and I am requesting authorization to see an authorized treating physician today].

7. FORMAL REQUESTS — Please provide me, in writing, within 7 days:

- (a) The official workers' compensation claim form (NC Form 18 or FL DWC-1);
- (b) The name, address, and phone number of the authorized treating physician(s);
- (c) The name of the workers' compensation insurance carrier and the policy number;
- (d) Any written work restrictions or light-duty offers in writing only;
- (e) Confirmation that the First Report of Injury has been filed with the state.

I am not refusing work. I am not resigning. I am invoking my rights under state workers' compensation law. Any retaliation for this notice is prohibited under N.C. Gen. Stat. § 97-6.1 and § 95-241 (NC) or Fla. Stat. § 440.205 (FL) and will be reported.

Signed: _____ Date: _____

[Your Printed Name]

ACKNOWLEDGMENT OF RECEIPT (to be signed by HR / Supervisor):

Received on behalf of [Company Name] on this date: _____

By: _____ Title: _____

Signature: _____



FROM THE FOUNDING PARTNER

This is the action checklist. Use it like one.

I'm William Vásquez. I served as a soldier in the United States Air Force before law school, and today I lead Vasquez Law Firm — bilingual, working-family-focused, answering the phone 24/7. We've handled over 30,000 cases in 15 years.

This companion is shorter than the main guide on purpose. It's the part you actually do this week — folders to build, words to memorize, mistakes to avoid. Print it. Mark it up. Share it with anyone you love who's in the same fight.

If something in here gives you pause, that's the call to make. We answer in English and Spanish, day or night, no fee unless we win.

YO PELEO® POR TI — I fight for you.

— **William J. Vásquez**

Founding Attorney · NC + FL Bar · USAF Veteran

KEY TAKEAWAYS

What to remember from this checklist — the 5 things that change cases.

- 01** Report your injury in writing within 30 days — verbal promises from supervisors kill more claims than any other mistake.
- 02** You have 2 years from the injury date to file the formal claim (NC Form 18 or FL Petition for Benefits) — no exceptions after that.
- 03** In both NC and FL, your employer picks the doctor first. Know the change-of-doctor process before you need it.
- 04** Your weekly check should be 66.67% of your full AWW including overtime, bonuses, and tips — verify the math today.
- 05** Never sign a settlement on the day the doctor declares MMI. That signature ends the case forever, even if you get worse.



01 SECTION

Day 1 — What To Do Right Now

If you were hurt at work today, the next 24 hours decide your case. Here is exactly what to do, in order.

1. Report the injury to your direct supervisor — in writing. Send a text or email the same day. Do not rely on a verbal report. The supervisor who says "do not worry, I will handle it" is the supervisor whose memory fails 35 days later.
2. Ask for the written claim form. In NC it is Form 18. In FL it is the DWC-1 (First Report of Injury). Take a photo of every page before you hand anything back.
3. Tell your doctor it happened at work. The medical record must say "injured at work on [date] while [task]." That sentence is the spine of your entire case.
4. Write down witnesses, exact location, what you were lifting or doing, and how it felt. Memory fades. Paper does not.

5. Do not give a recorded statement to the insurance adjuster. Not today. Not tomorrow. Not without me on the line.



02 SECTION

The Two Deadlines That Kill Claims

Workers comp has two clocks, and most workers only hear about one. Miss either one and your case is finished.

Clock #1 — 30 days to notify your employer. Under NC G.S. §97-22 and Fla. Stat. §440.185, you must report the injury to your employer within 30 days. In writing. Past day 30 in Florida, the case is almost always denied. North Carolina is slightly more forgiving if the employer already knew, but do not bet your future on "actual knowledge."

Clock #2 — 2 years to file the formal claim. From the date of injury, you have 2 years to file with the state. In NC, that means Form 18 with the Industrial Commission. In FL, it is the Petition for Benefits with the OJCC. Past 2 years, there is no case. Not for a torn rotator cuff. Not for a crushed disc. Nothing.

Exception worth knowing: for repetitive-use injuries like carpal tunnel, the 2-year clock starts the day a doctor links the condition to your work — not the day you first felt pain.



03 SECTION

The Company Doctor Trap (NC vs FL)

Here is the truth nobody at HR will tell you: the doctor treating you is being paid by the company that profits when your claim closes early.

North Carolina (NC G.S. §97-25): Your employer picks the initial doctor. You do have the right to request a change of doctor through the NC Industrial Commission, and the right to a second opinion on your disability rating. If you go to your own doctor without permission, the insurer can refuse to pay for it — except in true emergencies.

Florida (Fla. Stat. §440.13): Your employer picks the doctor, period. But Florida gives you ONE free change of doctor during the life of the case. Use it wisely — once it is gone, it is gone. If there is a real dispute between your doctor and the insurer's IME, an Expert Medical Advisor can be appointed by the judge.

What I tell every client: the moment something feels rushed — "you are fine, return to full duty" after a torn back — that is the moment to call me. Not after you sign the release.



04 SECTION

Calculating Your Weekly Check (AWW)

Your weekly workers comp check is two-thirds of your Average Weekly Wage. That is the rule in both NC and FL. The fight is over what counts as your wage.

The formula:

Step 1: Add your gross earnings for the 52 weeks before injury.

Step 2: Divide by 52. That is your AWW.

Step 3: Multiply by 0.6667. That is your weekly check.

Example: You earned \$52,000 last year. AWW = \$1,000/week. Your check = \$667/week. Tax-free under IRC §104(a)(1).

The state caps (approximate for 2026):

NC maximum comp rate: ~\$1,300/week

FL maximum comp rate: ~\$1,260/week

What the insurer "forgets" to include — and what you MUST demand:

- Overtime hours
- Bonuses and commissions
- Reported tips
- Concurrent employment (a second job in NC)
- Per diem and housing allowance

Every \$50 they shave off your AWW costs you roughly \$33 every single week you are out. Over a year, that is \$1,700 stolen. Run your own math before you cash the first check.



05 SECTION

The Light-Duty Trap

When the company doctor releases you to "light duty," three things can happen. Two of them are traps.

Real light duty: Work that genuinely fits your written restrictions. Same pay, or workers comp pays the gap (TPD). Accept it.

Fake light duty (the trap): They assign you to sweep for 8 hours when your restriction says no standing over 1 hour. They call at 5 a.m. knowing you cannot make it. They put you on a stool in a back room to humiliate you into quitting. Their goal is one word: resignation. The day you quit, the checks stop.

No offer at all: You keep getting full Temporary Total Disability. Sometimes the best outcome.

What to do if the assignment violates your restrictions:

1. Do not refuse verbally. Refuse in writing, same day, citing the doctor's restrictions.
2. Do not quit. Do not sign "voluntary resignation." That document is designed to end your benefits.

3. Photograph the task, the tools, the schedule.
4. Call me before you go back in. NC G.S. §97-32 and Fla. Stat. §440.15(6) protect you — if you document it.

FREQUENTLY ASKED QUESTIONS

Real questions from our intake line — answered in plain English.

Q. Can my employer fire me for filing workers comp?

No — and if they do, you have a separate lawsuit. North Carolina's REDA statute (NC G.S. §95-241) and Fla. Stat. §440.205 prohibit retaliation. You do not have to prove the injury was serious — you have to prove the firing followed the claim. Document the filing date, the firing date, and every word the supervisor said. That is your case.

Q. How much will I get paid per week while I am out?

Two-thirds (66.67%) of your Average Weekly Wage, tax-free, capped at the state maximum. NC max is approximately \$1,300/week in 2026; FL is approximately \$1,260/week. If you earned \$900/week before, your check should be about \$600. If it is less, the insurer is shorting your AWW — most often by leaving out overtime.

Q. I am undocumented. Can I still file workers comp?

Yes. Both NC (Hernandez-Cortez v. Hendrix) and FL (Cenvill Development v. Candelo) confirm that undocumented workers are covered. The insurer cannot report you to ICE — that violates confidentiality rules. Medical care, weekly checks, and settlement are all available. Some long-term vocational benefits may be limited, but the core claim is yours.

Q. What if the injury was partly my fault?

It does not matter. Workers compensation is no-fault under NC G.S. §97-12 and Fla. Stat. §440.09. If you slipped because you were rushing, lifted wrong, or got distracted — the claim is still valid. The only disqualifiers are intoxication, self-inflicted injury, starting a fight, or a serious safety violation.

Q. Should I accept the settlement the adjuster is offering?

Not before I read it. In NC it is called a clincher; in FL a lump-sum. Both close your case forever — including future medicals. The first offer is almost never the real number. We routinely see settlements double or triple after the adjuster knows a lawyer is reviewing the AWW, the rating, and the future-care projection.

FREE HELP IN NC + FL · PUBLIC, VETTED, ANSWERS 24/7

Free Help You Can Trust

When the insurance company stalls or denies — these are the public agencies that fight back.

Workers comp insurers count on you not knowing these exist. Use them.

01 NC Industrial Commission — Ombudsman Section

Free, neutral help for unrepresented injured workers. Explains your rights, helps you file Form 18, intervenes when claims are stalled.

(800) 688-8349 · <https://www.ic.nc.gov/ombudsman.html>

02 NC Industrial Commission — Main Information Line

Status of your claim, list of authorized providers, hearing scheduling, and filing instructions.

(800) 688-8349 · <https://www.ic.nc.gov>

03 Florida Division of Workers' Compensation — Employee Assistance Office (EAO)

Florida's free worker advocate. Investigates denied claims, late checks, and authorization disputes. Will contact the carrier on your behalf.

(800) 342-1741 · <https://www.myfloridacfo.com/division/wc/employee>

04 Florida Department of Financial Services — Workers' Comp Fraud Hotline

Report employers without coverage, misclassification, or carriers acting in bad faith.

(800) 378-0445 · <https://www.myfloridacfo.com/division/wc/fraud>

05 NC Department of Labor — Occupational Safety and Health Division (OSH)

File a complaint about unsafe conditions that caused the injury. Triggers a workplace inspection.

(919) 707-7800 · <https://www.labor.nc.gov/safety-and-health>

06 OSHA — Federal Complaint Line

File a federal safety complaint or whistleblower retaliation complaint (30-day deadline for retaliation).

(800) 321-6742 · <https://www.osha.gov/workers/file-complaint>

07 Legal Aid of North Carolina

Free civil legal help for low-income workers — including referrals when retaliation, eviction, or benefits issues stack on top of the injury.

(866) 219-5262 · <https://www.legalaidnc.org>

08 Florida Rural Legal Services

Free legal help for farmworkers and low-wage workers in Central and South Florida — strong on workers' comp and wage cases.

(863) 688-7376 · <https://www.frls.org>

BEFORE YOU CALL US · PREP IN 30 MIN · ANSWERS IN 15

Before You Call Us (or Anyone Else)

15 minutes of prep = a real strategy in the first meeting.

When you walk in with this gathered, we move from intake to strategy on day one.

- 1.** Exact date, time, and location of the injury (building, department, machine, or address).
- 2.** A short written statement — one paragraph in your own words — of how the injury happened and what task you were doing.
- 3.** Every body part affected and the symptoms you have right now (pain, numbness, weakness, headaches, sleep loss).
- 4.** Supervisor's full name, title, and the exact date and method you notified them (text, email, in person, written notice).
- 5.** Names and phone numbers of every witness — coworkers, customers, anyone who saw it or heard you report it.
- 6.** A copy of any written notice you already sent (text screenshots, emails, certified mail receipt, signed notice letter).
- 7.** A list of every doctor, urgent care, ER, or specialist you have seen — with dates and what each one told you.
- 8.** All medical records, work-restriction notes, and bills you have received so far (paper or photos on your phone).
- 9.** Your last 52 weeks of paystubs or W-2s — we need these to fight for the correct Average Weekly Wage (AWW).
- 10.** The employer's workers' compensation insurance carrier name AND policy number (on the workplace poster or ask HR in writing).
- 11.** Any state forms already filed: NC Form 18, NC Form 19, FL DWC-1, FL DWC-25, or a denial letter from the carrier.

12. Every 'light-duty' offer, written restriction, schedule change, demotion, or pay cut you have received since the injury.



The insurance company has lawyers. So should you.

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GO DEEPER — THE FULL GUIDE

This is the action checklist. For the full strategy — every form, every deadline, every rule — read the comprehensive guide:

Workers' Compensation Guide

<https://www.vasquezlawnc.com/guides/workers-comp>

CITE THIS GUIDE

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