



Workers Compensation Section 32 Settlements: A Treasure or A Trap?

Michael T Berns

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For those overwhelmed when faced with a New York State Section 32 settlement of their workers compensation case and unable to get satisfactory answers from the insurance company, attorneys, or the NYS Workers Compensation Board, this handbook is an invaluable tool to the injured worker and their family: a single source answering hundreds of questions on what a Section 32 workers compensation settlement means, written by a former Workers Compensation Board Commissioner. Some of the questions answered in this book include: - What is a fair offer: \$100 or \$20,000 or \$150,000 or \$1 Million? - Will private health insurance or Medicare pay for future medical expenses? - Do they need an attorney? And, if so, what is a fair fee? - What will happen if they decide to reject the settlement? - What happens to medical bills still unpaid after the settlement? - Can the insurance company be forced to settle? - Can the employer interfere with or stop the settlement? Can anyone else? With Section 32 settlements ranging from \$9,000,000 to some with no money being exchanged, until now, these and other questions have remained unanswered for injured workers seeking to close their claims with a settlement. Although injured workers in New York could close their case since 1996, the NYS Workers' Compensation Board has yet to offer any formal and comprehensive guidelines to assist injured workers in understanding their options and the ramifications - financial, medical, and personnel - of accepting or rejecting a Section 32 settlement agreement offered by the insurance company. Former New York State Workers Compensation Commissioner Michael T. Berns (1996-2008) was on the Board when these agreements were first allowed and not only approved more Section 32 agreements than any of his colleagues, but also worked with both claimant and carrier representatives to draft a standardized agreement to make these settlements easier to understand. Although no longer on the Board, Berns continues to answer questions from both injured workers and employers about Section 32 settlements of workers compensation cases.

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