

Can You Get Workers' Compensation for a Strained Back?

New York City workers' compensation lawyer explains what to know

Back strain injuries often occur on the job. When they do, injured employees often cannot work for several days, weeks or sometimes even longer due to the pain and discomfort caused by a serious back injury.

In most cases, most injured workers in New York can receive [workers' compensation](#) benefits while they rest and recover from their injuries. A type of insurance most employers are required to have in New York, workers' compensation provides money for medical care and lost income if an injured worker needs time off due to their work-related injury or illness.

But what about strained backs? Are such work-related injuries covered by workers' compensation benefits in New York? And what if your back strain workers' comp claim is denied? What are your options? The New York City workers' compensation attorneys at [Pasternack Tilker Ziegler Walsh Stanton & Romano, LLP](#) explain what you need to know.

How common are workplace back injuries?

First, it's important to understand just how common work-related back injuries are nationwide. When someone gets hurt at work, roughly 1 out of 5 workplace injuries involve a back injury, according to data collected by the [U.S. Bureau of Labor Statistics \(BLS\)](#). That's roughly one million back injuries each year nationwide.

In many cases, many of these work-related back injuries involve strained back muscles. In addition, lower back injuries sustained at work are especially common, accounting for roughly 80 percent of many work-related back injuries, according to some workplace safety experts.

What is a back strain?

It's important to understand what a strain is. This is when a muscle or tendon is pulled or stretched beyond the normal range of motion. Tendons are thick bands of tissue connecting muscles to bones.

When muscles or tendons in the back are strained, back pain and discomfort often occurs in that part of the body. Certain lower back muscles often sustain painful back strain injuries, including:

- Iliopsoas – Lower back muscle near the front of the hip.
- Quadratus Lumborum – Back muscle near the lower spine.
- Gluteals – Back muscle attached near the lower spine.
- Multifidus – Back muscle around the lower spine.

Other back strain injuries sometimes involve upper back muscles and middle back muscles, including superficial back muscles near the surface of the skin (latissimus dorsi muscles), intermediate back muscles near the ribcage and intrinsic back muscles, which are the deepest layer of muscles and include the iliocostalis, longissimus and spinalis muscles.

What causes back strain injuries?

Back injuries that strain the muscles often occur for two main reasons:

- Sudden back injury, which can occur in an instant as a result of the muscle being sharply pulled or stretched. For example, lifting a heavy box or slipping and falling can both cause a sudden back strain injury.
- Overuse injuries, which often occur as a result of long-term overuse caused by performing similar, repetitive activities that put strain on the muscles.

In cases of workplace back strain injuries, overuse or sudden incidents are both common causes of such injuries. That's why it's important for employers to take steps designed to prevent such injuries and do their part to keep workers safe.

Which jobs are most likely to sustain back strain injuries?

Certain professions put workers at high risk of sustaining a serious back strain injury, including:

- Construction work.
- Assembly line workers.
- Warehouse workers who often lift heavy boxes and packages throughout their work shift.
- Officer workers, especially employees who sit in the same position for long periods of time.
- Healthcare workers, who are often required to lift patients or heavy objects.
- Drivers who often sit for hours while operating a delivery truck or another commercial vehicle.

What types of workplace injuries cause back strains?

Here again, certain types of work-related tasks or duties often result in back strain injuries, including:

- Lifting heavy objects.
- Performing repetitive tasks.
- Inactivity, including sitting for long periods of time.
- Falling from a height or slipping and falling on the job.

- Being struck by a falling object or moving object.

What are common symptoms of a strained back?

See a doctor right away if you experience any of the following back strain symptoms or warning signs:

- Dull ache and pain in back that does not go away.
- Sharp back pain in certain specific areas.
- Muscle spasms that cause certain back muscles to tighten and contract.
- Reduced range of motion that makes it difficult to turn, twist or bend.
- Soreness in the back that can be painful to the touch.
- Stiff back muscles that make it hard to walk, stand up or sit.

Don't take chances with your back. Have a doctor examine you and diagnose what's wrong. This serves two important purposes. One, you will receive the medical care you need to hopefully fully recover. Two, you have an official medical record of your strained back muscle, which can be critical when it comes to obtaining the benefits you deserve.

Can I receive workers' compensation for a strained back?

Yes. If you strained your back at work and need time off to rest and recover from your back injury, you should receive workers' compensation benefits. This is financial compensation you are legally entitled to receive in New York if you got hurt at work and your employer has workers' compensation insurance.

Most employers in New York have workers' compensation insurance, which provides money for many work-related expenses, including:

- The cost of all medical care, including future medical treatments, such as physical therapy or follow-up doctor's appointments.
- Wage replacement income if you need time off from work to rest and recover from your strained back muscles.
- Job retraining, especially if you have long-term medical issues that prevent you from performing the same work in the future due to strained back muscles.

What should I do if my workers' comp back strain claim is denied?

Sometimes, your employer's workers' compensation insurance provider might express doubts about your work-related back strain injury that results in your workers' comp claim being denied.

In some cases, some insurance companies might try to claim that you sustained your injury outside of work or that a pre-existing medical condition caused your back strain. Other times, the New York State Workers' Compensation Board denies applications for

workers' compensation benefits (C-3 form) due to clerical errors or the form being filled out wrong.

If this happens, you can appeal your denied workers' compensation claim. Often, you must file an appeal with the Workers' Compensation Board's Appellate Division, Third Department, Supreme Court of New York. However, you need to act fast. You only have 30 days to file an appeal with the state. This is why you should talk to a workers' comp attorney right away.

Can I file a lawsuit against my employer for a workplace back strain?

In most cases, the answer is no. You normally cannot file a lawsuit against your employer if you strained your back at work. This is why workers' compensation insurance exists – to provide financial support to employees who become sick or injured on the job.

However, there are certain specific circumstances where you may be able to take legal action and sue your employer for damages, the legal term for financial losses. The key to such legal cases often involves providing evidence that your employer acted in a reckless or negligent manner that resulted in your strained back injury. Examples include:

- Your employer knew about a hazardous or dangerous situation at work that caused your back injury but did not do anything to fix or repair this known hazard.
- A safety inspection violation was issued to your employer but they did not address this hazard, which caused your back injury.
- Your employer destroyed evidence that proves they are at fault and caused your back strain injury.

Can I sue anyone else for my strained back at work?

Here again, the answer in most cases is no. However, there are exceptions, especially if you are a construction worker and you sustained your back strain while working at a construction site. Often, these legal cases involve third-party lawsuits.

Third-party lawsuits often involve taking legal action against someone other than your employer. For example, if you work at a construction site and someone who works for another company caused your back injury, you could file a third-party lawsuit against the other company.

Why should I hire a New York City workers' compensation attorney?

Work-related back strain injuries can be very complicated legal cases. This is often because employers or workers' compensation insurance providers might try to claim that you strained your back outside of work or that it's a pre-existing medical condition not covered by workers' compensation.

Our New York City workers' compensation lawyers at the Law Offices of Pasternack Tilker Ziegler Walsh Stanton & Romano, LLP can help you better understand your rights and legal options. We have been doing this work for years and know how to deal with New York's complex workers' compensation system. As a result, we can get right to work on your important legal case.

Get the New York City law firm that puts your best interests first. [Contact us](#) and schedule an appointment with a New York City workplace injury attorney you can count on in a crisis. We have 12 offices conveniently located in New York, including five offices in New York City.