

Can You Get Workers' Compensation for a Pre-existing Condition Aggravated by Work?

Let our attorneys fight for the benefits you deserve

If you have a [pre-existing injury or condition](#) aggravated by your job duties, you may wonder if you're eligible for workers' compensation in New York. The answer is yes – [New York law](#) allows workers to seek compensation if a work environment worsens an existing medical condition.

However, these cases aren't always straightforward. To get the benefits you're entitled to, you'll need strong evidence and detailed documentation to prove that your job worsened your condition. An experienced New York [workers' compensation attorney](#) at Pasternack Tilker Ziegler Walsh Stanton & Romano can help you build a strong claim and fight for your rights.

What is a pre-existing condition?

A pre-existing condition can include any injury, illness, or medical condition that existed before you began your current job or before your workplace injury. These conditions often include:

- Back injuries
- Arthritis
- Tendonitis
- Carpal tunnel syndrome
- Heart disease
- High blood pressure
- Knee injuries
- Neck injuries
- Shoulder injuries
- Old fractures or bone injuries

New York's workers' compensation laws protect employees whose work-related duties aggravate a pre-existing condition. This means that if your job causes your existing condition to become more painful, and debilitating, or requires additional medical treatment, you may be eligible for benefits.

How does New York workers' compensation handle pre-existing conditions?

In New York, workers' compensation law allows for benefits when a pre-existing condition is worsened by work activities. While some people believe that pre-existing conditions disqualify them from receiving benefits, this is not the case. The law recognizes that pre-existing

conditions are common, and workers should still be protected if their job makes an old injury or illness worse.

For example, if you have chronic back pain and your job requires lifting heavy objects, which exacerbates your condition, you may be eligible for workers' compensation. Similarly, if you had a knee injury from years ago and your current job's repetitive movements aggravate it, workers' compensation could cover the treatment needed to address the worsening condition.

What workers' compensation benefits are available for pre-existing conditions?

If your claim is approved, you could receive medical benefits, wage replacement, and coverage for rehabilitation costs. These benefits help you manage the aggravated condition and cover lost wages if you need time off to recover.

What evidence is needed to prove that work aggravated a pre-existing condition?

Proving that your work aggravated a pre-existing condition can be one of the most difficult parts of a workers' compensation claim. To succeed, you must provide convincing evidence that your job duties worsened your condition beyond its natural progression.

Here are a few key pieces of evidence you'll need to build a strong case:

Medical records

Medical documentation should show the history of your pre-existing condition and document how your condition worsened after starting your current job. Consistent visits to your healthcare provider and updated medical reports can serve as proof that your condition is not only pre-existing but has been aggravated by work.

Doctors' reports

You'll also need medical opinions from your treating physicians. They should explain in detail how your job duties aggravated your pre-existing condition. A doctor's testimony that links the worsening of your condition to specific tasks at your job will likely strengthen your case.

Work records

Document your job duties and any specific incidents or tasks that contributed to worsening your condition. This may include records of how long you've been performing the duties, descriptions of the physical strain involved, and any changes in your work that might have contributed to the condition.

What challenges might I face when filing a claim for an aggravated pre-existing condition?

Filing a workers' compensation claim for a pre-existing condition that has been aggravated by work can be challenging. Insurance companies and employers often closely examine these claims. They may search for reasons to deny benefits or argue that your condition wasn't made worse by your job. Below are some of the most common obstacles you might face during the process.

Denial based on pre-existing conditions

Insurance companies may argue that your condition is part of the natural progression of the pre-existing injury or illness and wasn't worsened by your job. This is why you should provide clear medical evidence that shows the condition has been worsened by work-related activities.

Delayed reporting

Delaying the reporting of your aggravated condition to your employer can raise red flags. New York workers' compensation law requires timely reporting of injuries, so it's important to notify your employer as soon as you believe your job has worsened your condition.

Lack of medical evidence

Your claim could be denied without detailed medical reports linking your work duties to the aggravation of your pre-existing condition. Insurance companies will likely request your medical history and any gaps or inconsistencies in your treatment could hurt your case.

How can you strengthen your workers' compensation claim in New York?

To improve your chances of receiving compensation for an aggravated pre-existing condition, follow these steps:

- **Report the injury promptly:** Notify your employer in writing as soon as your condition worsens. You have 30 days to do this, but it's best to act fast. Also, keep a copy of the report for your own records in case there are any disputes.
- **Get medical treatment immediately:** Seek medical attention as soon as you notice your condition worsening. Let your doctor know that your condition has worsened due to your job.
- **Follow your doctor's recommendations:** Follow all medical advice and attend all scheduled appointments. Avoid any activities that can worsen your condition or hurt the legitimacy of your claim.

- **Work with a workers' compensation attorney:** Handling your workers' compensation claim alone can be risky. Get help from an experienced New York attorney to ensure that your rights are protected.

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

Unfortunately, it's possible to be denied workers' compensation for an aggravated pre-existing condition. If your claim is denied, you have the right to appeal the decision. In New York, the appeals process involves requesting a hearing before the Workers' Compensation Board.

It's highly recommended that you work with an experienced New York workers' compensation lawyer during this process, as they can help you present a strong case and handle any legal challenges that may arise.

Don't let a pre-existing condition stop you from getting the compensation you deserve

If a work injury has worsened a pre-existing condition, or if your employer is trying to deny your claim by blaming your pain on a prior issue, the New York workers' compensation lawyers at [Pasternack Tilker Ziegler Walsh Stanton & Romano](#) are here to fight for you. We know how to build strong cases that connect your job duties to your injury.

Our legal team ensures that medical records, job-related tasks, and other key details are fully documented and presented effectively. Whether your injury is new or stems from an existing condition, if your work has made it worse, you're entitled to compensation.

For over 90 years, we've been standing up for injured New Yorkers and making sure they get the medical benefits and wage support they deserve. To find out how we can help you, [contact us](#) for a free consultation today. You won't pay anything unless we win your case.