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NEWSLETTER

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A BIT OF HISTORY

WORKERS' COMPENSATION AND AMERICAN INDEPENDENCE

On the Fourth of July, we celebrate our nation's independence. Personally, I view Independence Day as a day to celebrate not just the success of the American Revolution, but everything that came after as well. We have been able to develop a lot of great changes since the days of our Founding Fathers, and workers' compensation is a prime example of that.

When juries did rule in favor of the employee, businesses often had to declare bankruptcy and were completely wiped out because they could not afford to pay for the medical bills. This also wasn't good, because it meant businesses were going under, and other workers would lose their jobs whenever an employee got seriously hurt.

When the Founding Fathers were creating laws for the new United States, they wisely put the jury system in place. This system could help with most cases, but at the time, they didn't have any frame of reference for dealing with injured employees. After a while, it became clear there were problems with leaving these matters to a jury.

Around the previous turn of the century, we started to see U.S. Government enact laws to protect federal workers. One such act was the Federal Employers' Liability Act (FELA), which is a United States federal law protecting railroad workers injured on the job. During my first 10 years as a lawyer, I became very familiar with FELA in my work with railroaders. FELA and similar acts protecting federal workers ultimately inspired states to pass workers' compensation laws to help all employees.



This made the process a lot easier, but as part of the compromise, there are limits to how much in benefits a worker may receive. For example, in Virginia and North Carolina, an injured employee can only receive 500 weeks of paid benefits; though, if you're a North Carolina employee and you can prove you have a loss of earning potential at 425 weeks, you can get an extension for benefits beyond the 500-week limit.

In those days, if you got hurt while on the job, you had the right to sue your employer and claim compensation to help pay for medical bills. Unfortunately, the jury system meant the injured worker had to prove their employer was at fault and directly responsible for their injuries. The reality is, more often than not, the employer isn't at fault at all; it was just a terrible accident. However, just because it was an accident, that didn't mean the worker wasn't still severely injured and unable to support themselves and their family anymore.

Rather than force businesses to close down, or leave injured employees to suffer without aid, state legislators began to come up with laws that found a compromise. They realized the jury system didn't work in cases where employees were hurt on the job. Instead, they developed workers' compensation laws, which meant injured employees did not have to prove their employer was at fault to receive benefits.

Workers' comp is far from perfect, and it's complicated. Confusing laws can make cases difficult to navigate alone. But just having these laws has helped countless American injured workers reclaim their lives over the years, and that is something worth celebrating.

Happy Fourth of July!

- Joseph Miller

CAT TRACKS TO CANADA | BooBoo's Incredible Journey

In 2013, BooBoo vanished without a trace from her home in Watsonville, California, a city near Santa Cruz. In March 2017, BooBoo miraculously reappeared — in Puslinch, Ontario, Canada, a small township several miles outside of Toronto.

How does a small cat travel over 2,000 miles in four years? That's the question BooBoo's owners have been asking since the reunion. Only BooBoo knows the answer.

Shortly before BooBoo was reunited with her family, she was found wandering around the Puslinch area. The tabby had been labeled a stray and was picked up by the nearby Guelph Humane Society.

Officials with the Guelph Humane Society checked to see if the cat was microchipped. Sure enough, she was. Baffled, the humane society called the contact number stored on the chip.

No one answered at first. Olgah Chmelicek, BooBoo's owner, said, "I didn't even answer the phone the first day; it's gotta be a wrong number.

Who's calling me from Canada?"

After a few tries, the Guelph Humane Society and Olgah connected, and Olgah's next step was clear. "We've got to do whatever it takes to get her."

Olgah admits BooBoo is no stranger to disappearing acts. When BooBoo was a kitten, she would find a place to curl up and sleep among the kids' stuffed animals. Olgah says the cat would be completely invisible for hours, if not days, at a time.

Olgah flew up to Buffalo, New York, to pick up BooBoo. "She was a little scared at first, but now she's loving and loving."

The moral of this story? Here's what Olgah has to say: "I can't express how important it is to chip your animal. Even though it's four years later ... miracles happen."



GROW CRYSTALS WITH YOUR KIDS



A mentally sedentary summer can cause your child's learning to stagnate and backslide, erasing the equivalent of as much as two months of in-school learning. But you can have fun with your kid this summer and help them learn at the same time. Try this project from sciencebob.com, which demonstrates how geodes are formed and gives a primer on the science of crystals. It's a lot of fun to set up, and the results are stunning!

All you need are some clean eggshells, water, several different soluble materials

(salt, sugar, baking soda, borax, cream of tartar), coffee cups, spoons, food coloring, and egg cartons.

First, crack the eggs as close to the narrow end as possible. Then, clean the eggshells in hot water, which allows you to pull the skin out of the inside.

After that, place the shells in an egg carton, lined with wax paper to hold the eggs upright. Boil the water and pour half a cup into each coffee mug, followed by ¼ cup of one of the soluble materials, stirring until it dissolves. Keep adding the solid slowly until the water is supersaturated. Supersaturated simply means that the water has absorbed all it is able to absorb — any additional solid won't dissolve.

Then, add food coloring to the solutions. Get creative — see what color combinations your child can come up with.

Carefully pour the solution into an eggshell, filling it as full as you can without the solution overflowing or the egg tipping over. As the water evaporates (be patient!) crystals will begin to form inside

the eggshells.

But what's actually happening? As the water is heated, it expands, allowing more space for the dissolved solution. When it cools and evaporates, that space goes away, and the crystal solids are forced to become solid again.

The time factor causes the crystal to collect and grow. The evaporation and cooling happen very gradually, enabling the crystals to combine and become larger whole.

This is similar to the way beautiful crystalline geodes form within rocks in nature. Mineralized (saturated) water seeps into air pockets in the rock and later vaporizes and leaves behind the intricate structures you see when you smash them open.

See, science is fun and educational! Check out further science experiments on sciencebob.com, sciencekids.co.nz, or redtri.com/classic-science-experiments!

DID YOU KNOW?

Virginia's Uninsured Employers' Fund Can Help Employees in Trouble

Virginia law requires every employer who regularly employs two or more part-time or full-time employees to be covered by workers' compensation insurance. This includes subcontracted employees and executive officers. Unfortunately, this does not mean every employer has workers' comp or has kept their insurance policy up to date.

If you are injured on the job while working for an employer who did not have workers' comp insurance at the time of the incident, you may worry about how you will be covered. Thankfully, in the state of Virginia, the Uninsured Employers' Fund exists to provide "funds for compensation benefits

awarded against any uninsured or self-insured employer." Essentially, the fund acts as a safety net for employees to protect themselves against the negligence of employers who do not provide adequate workers' comp insurance.

However, the Uninsured Employers' Fund doesn't just automatically pay out benefits to injured employees, and the process of claiming benefits from the fund can be difficult. The burden of proof still lies on the injured employee, and they must file a claim for benefits with the Virginia Workers' Compensation Commission. The employee will then present their case before a deputy commissioner at a scheduled time, and the

commissioner will decide if the evidence is strong enough to merit benefits. All the while, the injured employee has to fend for themselves and figure out how to cover their own medical costs. The situation can be even more stressful if the injured employee is unable to return to work and must survive without pay.

If you are struggling through a workers' comp case or need help navigating the challenges of claiming benefits from the Uninsured Employers' Fund, call your expert Joe Miller, your expert workers' comp lawyer at 888-694-7994. Learn what you need to do to see your case through to the best possible outcome.

Testimonials

Mr. Miller explained everything up front and followed through on what he presented. He is honest and caring. I trust him completely and would certainly recommend him to all my friends and acquaintances. Thank you so much, Joe Miller, for looking out for my best interests.

-Trudy



Joe's Monthly 'SOUL SNACKS'

"Of all of the great spiritual forms of service of G-d, the greatest of all is prayer, yet it is much easier than the easiest of physical jobs."

-R. Nachman

"Don't be sad at what you lack or have lost; be happy with what you have and what remains."

-R. Nachman

ONE-PAN MEXICAN QUINOA



What You'll Need ...

- 1 tablespoon olive oil
- 2 cloves garlic, minced
- 1 jalapeno, minced
- 1 cup quinoa
- 1 cup vegetable broth
- 1 (15-ounce) can black beans, drained and rinsed
- 1 (14.5-ounce) can fire-roasted diced tomatoes
- 1 cup corn kernels, frozen, canned or roasted
- 1 teaspoon chili powder
- ½ teaspoon cumin
- Salt and pepper to taste
- 1 avocado, halved, seeded, peeled and diced
- Juice of 1 lime
- 2 tablespoons chopped fresh cilantro leaves

Step by Step ...

1. Heat olive oil in a large skillet over medium high heat. Add garlic and jalapeno and cook, stirring frequently, until fragrant, about 1 minute.
2. Stir in quinoa, vegetable broth, beans, tomatoes, corn, chili powder, and cumin; season with salt and pepper to taste. Bring to a boil; cover, reduce heat and simmer until quinoa is cooked through, about 20 minutes. Stir in avocado, lime juice, and cilantro.
3. Serve immediately.

Recipe adapted from DamnDelicious.net.