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**DO YOU QUALIFY FOR SUBSEQUENT INJURY  
BENEFITS TRUST FUND (SIBTF)**



**You could qualify for a monthly income from the State of California!**



## Do you Qualify for Subsequent Injury Benefits Trust Fund? (SIBTF)

California's Subsequent Injuries Benefit's Trust Fund (SIBTF) program provides special benefits to Californians who have had workers' compensation injury and other injuries or disabilities whether or not work related. Qualified individuals may receive disability payments under the program for the rest of the person's life.

**Subsequent Injury Benefits Trust Fund:** Provides financial support to Californians that have significant previous health issues (Injuries due to birth defects, accidents, military injuries, disease) who then sustain a work injury. Also known as (SIF), its additional benefits exist beyond the worker's comp claim for injured workers.

### There are two major elements to the Subsequent Injury Benefits Trust Fund

- The first element is that a permanent disability must be determined at a certain disability level from the present workers' compensation industrial injury.
- Second, the injured worker must have a verifiable pre-existing disability, surgery or medical condition which limited you in the open competitive labor market.



## **(Subsequent Injury Fund) for Injured Workers in California**

**If you have a current workers compensation claim and you had any of the following diagnosed before your current workers compensation claim, you may be eligible for lifetime benefits:**

- Heart disease
- Heart murmur
- Arrhythmia
- Hypertension
- Anemia
- Lung problems
- Fibromyalgia
- Rashes
- Dermatitis
- Temporomandibular joint disorder (TMJ)
- Low testosterone
- Hernias
- Chronic fatigue syndrome
- Weight gain
- Acid reflux
- Gastroesophageal reflux disease (GERD)
- Bell's palsy
- Arthritis
- High blood pressure
- Diabetes
- Chronic obstructive pulmonary disease (COPD)
- Sciatica
- Allergies
- Thyroid problems
- Cancers
- Chronic pain
- Sleep apnea
- Indigestion
- Crohn's disease
- Hearing loss
- Limping
- Polio
- Angina
- Atrial fibrillation



# BENEFITS



## To obtain these funds, an applicant needs to apply for SIF.

Workers compensation injuries can pay disability payments for your life even if you had previous injuries or a pre-existing disability before your most recent workers' compensation injury.

Qualifying for the SIBTF is a complicated process, therefore, you need an experienced lawyer who will evaluate your injuries to ensure that all the necessary procedures are taken to obtain the benefits under SIBTF for which you qualify. If an injured worker qualifies, the State of California will help make up the difference between the person's overall disability and the amount of disability from the "subsequent" work injury alone.

If you have a current workers' compensation case or a workers' compensation that is closed, call an attorney that is experienced in handling SIBTF.

- The application can be filed if the case is open or closed
- Filing won't have an effect on an open case

\*Injured workers whose employers were illegally uninsured and were unable to get treatment are eligible to apply for Subsequent Injuries Benefits Trust Fund.



## Statute of Limitations for SIBTF

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**There is no statute of limitations that directly applies to SIBTF cases. Under Senate Bill No. 623, there is now access for all workers to SIF and UEETF, regardless of immigration status.**

Section 3733 is added to the Labor Code, to read:

“The Legislature finds and declares that it is in the best interest of the State of California to provide a person, regardless of his or her citizenship or immigration status, with the benefits provided pursuant to this article, and therefore enacts this section pursuant to Section 1621(d) of Title 8 of the United States Code... (b) A person shall not be prohibited from receiving compensation paid or payable from the Uninsured Employers Benefits Trust Fund solely because of his or her citizenship or immigration status.”

Applications must be filed within a reasonable time after an applicant knows or reasonably should know that there is a substantial possibility that he or she has a claim for such benefits. If the SIBTF claim is filed within the five-year period under Labor Code Section 5410, it is timely filed (although the five-year limitation period described in section 5410 does not apply to claims for SIBTF benefits).



## Tips & Eligibility

**To be eligible to receive compensation from the Subsequent Injury fund, the injured worker (you), must meet certain criteria set by the statute.**

- You must have a pre-existing impairment.
- The pre-existing impairment must be the result of an accident, disease, or congenital condition.
- You must have an overall disability exceeding 50% of the body.
- The pre-existing impairment and the compensable injury must each be compensable for a period of 125 weeks out of a total of 500 weeks maximum.
- Your pre-existing impairment must be, or likely to be, a limitation to your employment.
- Your overall disability due to the pre-existing impairment and the compensable injury must be greater in combination than the disability from the compensable injury alone.



## History of SIF

After the first World War, the U.S. economy was recovering. War can be “good” for the economy and the end of war can have the opposite effect. Thousands of service men and women returned home and, though injured, were still capable of work, yet had a hard time finding employment.

In response, the state of New York created the nation’s first Second Injury Fund in 1916, just three years after creation of its workers’ compensation statute. Strangely, few states followed suit until World War II with most states adopting second injury funds in the early-to-mid 1940s, all based around a model national code (Boggs, 2015). The rush to provide this employer protection was created by the desire to clear the path for Veterans who had sustained injuries during war. Injured veterans were not being hired because employers feared being held financially responsible for the cumulative effect of an on-the-job injury coupled with a pre-existing war injury. SIFs (and similar second injury funds) were designed to temper if not completely remove this fear (Boggs, 2008 and 2015).

**Subsequent Injuries Fund** is put into place provide benefits to workers who are already disabled before they get injured on the job. The fund enables employers to hire disabled workers without fear of being held liable for the effects of previous disabilities or impairments. SIBTF benefit checks are issued to injured workers by the SIBTF Claims Unit after benefits are awarded by the Workers’ Compensation Appeals Board.

(1) Ensure that employers did not discriminate against veterans returning from war with serious wounds, the effects of which could be compounded by a subsequent on-the-job injury

(2) Limit the employers’ financial risk related to hiring employees such as veterans with pre-existing conditions



## Most Common Veteran Injuries

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**Today, injured Veterans from OIF and OEF (the Afghanistan and Iraq wars) are the largest group of Veterans who may be eligible for SIF:**

- 1,939,959 OEF/OIF/OND Veterans have become eligible for VA health care since FY 2002.
- Out of the nearly 2 million people who are eligible Veterans (only from the most recent wars), an incredible 1,189,709 (61%) have obtained VA healthcare, (were injured).
- As a result, applicant attorneys should be aware that a number of those 1.2 Million people are probably in the civilian workforce now with a segment of those living in California.
- If you are an OEF/OIF Veteran Marine (80% medically disabled) that was injured at work, you should definitely be looking into knowing about Subsequent Injuries Fund.



## Stephen Dial

*"I strive to treat each client as unique and important, bringing care, attention and experience to each case. I want my clients to be assured that I'm here for them."*

If you already have a disability or impairment at the time of your injury, you may be eligible for additional compensation through the Subsequent Injuries Benefits Trust Fund (SIBTF).

If you currently have an attorney, and you have prior injuries ask your attorney if they do handle this type of case. If they do not, we may be able to handle it for you, even if your current attorney is handling your normal workers compensation issues. Although, SIBTF isn't part of workers' compensation, it is a provision of CA it can work in conjunction with it. SIBTF is an avenue for benefits that is well worth exploring with the guidance of an experienced knowledgeable attorney.

At Dial & Associates we are knowledgeable, skilled, and subject matter experts in the complex field of the Subsequent Injuries Benefits Trust Fund and have successfully identified and obtained (SIBTF) benefits for seriously injured workers. Our lead attorney, Stephen Dial, offers free consultations to injured workers and charges no fee unless he recovers on your behalf **call us today 1-714-279-8055.**