



# Bradford & Barthel, LLP

## Statute of Limitations Guide

<p><b>Reporting a Claim: LC§ 5400</b></p> <ul style="list-style-type: none"> <li>- LC 5400 requires the Injury be reported to the Employer within 30 days of the occurrence. The failure to give notice under <u>LC5400</u>, or any defect or inaccuracy in a notice is not a bar to recovery under this division if it is found as a fact in the proceedings for the collection of the claim that the employer was not in fact misled or prejudiced ( LC 5403) by such failure.</li> </ul>	<p><b>Continuous/Cumulative Trauma: LC § 5412</b></p> <ul style="list-style-type: none"> <li>- Knew or in the exercise of reasonable diligence should have known " that the injury / medical condition was likely" related to employment and there is disability</li> </ul>
<p><b>Comp Benefits: LC § 5405</b></p> <ul style="list-style-type: none"> <li>- 1 year from Date of Injury (DOI) where no benefits have been provided to file an Application</li> <li>- 1 year from Date of Injury (DOI) or last benefit when medical or disability benefits were provided</li> </ul>	<p><b>Discrimination/LC § 132a</b></p> <ul style="list-style-type: none"> <li>- 1 year from the claimed discriminatory act</li> </ul>
<p><b>Death Benefits: LC §§ 5406, 5406.5, 5406.6</b></p> <ul style="list-style-type: none"> <li>- LC § 5406, 1 year from Date of Death (DOD) or last benefit paid</li> <li>- LC § 5406.5, 1 year from Date of Death (DOD) or last furnishing of any benefits, no more than 240 weeks from the Date of Injury (DOI)- asbestosis, cancer</li> <li>- LC § 5406.6, 1 year from Date of Death (DOD) or last furnishing of any benefits, nor more than 240 weeks from the Date of Injury (DOI)- HIV</li> </ul>	<p><b>Minors/Incompetents LC § 5408</b></p> <ul style="list-style-type: none"> <li>- Statute does not run while minor is under age 18 or incompetent until a guardian/ conservator has been appointed</li> </ul>
<p><b>Lien Claimants: LC §§ 4903, 4905.2(b)(1)(B)</b></p> <ul style="list-style-type: none"> <li>- LC § 4903, 18 months from Date of Services that were provided after July 1, 2013</li> <li>- LC § 4905.2(b)(1)(B), Provider must submit bill within 12 months of service</li> </ul>	<p><b>Petitions for LC § 5814</b></p> <ul style="list-style-type: none"> <li>- 2 years from the date the payment of compensation was due</li> </ul>
<p><b>New &amp; Further Disability: LC §§ 5410, 5804</b></p> <ul style="list-style-type: none"> <li>- 5 years from Date of Injury (DOI) to reopen claim post award for good cause or to claim any new and further benefits as a result of the original injury</li> </ul>	<p><b>Serious &amp; Wilfull: LC § 4553</b></p> <ul style="list-style-type: none"> <li>- 1 year from the Date of Injury (DOI); an employer is found to have caused an injury by its "serious and willful misconduct" will be ordered to pay an amount equal to half the value of all WC benefits paid as a result of the injury.</li> </ul>
<p><b>Reopen: LC §§ 5808, 5804</b></p> <ul style="list-style-type: none"> <li>- Requests to reopen for "good cause"</li> </ul>	<p><b>Workers' Compensation Reimbursement: CCP 338(d)</b></p> <ul style="list-style-type: none"> <li>- Three years for an action of relief on the grounds of fraud of mistake as the case of action is not deemed to have accrued until the discovery by the aggrieved party of the facts constituting the mistake or fraud. Recommended you file a lien for reimbursement.</li> </ul>
<p><b>Workers' Compensation Contribution: LC § 5500.5</b></p> <ul style="list-style-type: none"> <li>- 1 year from the issuance of an award or order approving C&amp;R to Petition for Contribution</li> </ul>	<p><b>Workers' Compensation Third Party Credit Rights: LC 3858</b></p> <ul style="list-style-type: none"> <li>- Employee may claim /right of action for all damages proximately caused from the injury/ death caused by another person other than the employer. Employer is relieved from the obligation to pay further compensation to the employee up to the entire amount of the balance of the judgement</li> </ul>
<p><b>Workers' Compensation Third Party Action: LC 3852, CCP 335.1</b></p> <ul style="list-style-type: none"> <li>- 2 years from Date of Injury (DOI)</li> </ul>	



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## Office Locations

<p style="text-align: center;"><b>Anaheim, CA*</b></p> <p style="text-align: center;">222 S. Harbor Blvd., Suite 950 Anaheim, California 92805 (714) 526-9120   (714) 526-9130 fax</p> <p style="text-align: center;"><i>Primary Venues:</i> Anaheim, Santa Ana, Long Beach</p>	<p style="text-align: center;"><b>Oakland, CA*</b></p> <p style="text-align: center;">2300 Clayton Road, Suite 100 Concord, California 94520 (510) 268-0061   (510) 268-0398 fax</p> <p style="text-align: center;"><i>Primary Venues:</i> Oakland, San Francisco, Bay Area</p>	<p style="text-align: center;"><b>San Diego, CA*</b></p> <p style="text-align: center;">7801 Mission Center Ct, Suite 250 San Diego, California 92108 (619) 641-7942   (619) 641-7946 fax</p> <p style="text-align: center;"><i>Primary Venue:</i> San Diego</p>
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