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Book Review

ANNE TRAMPOSH, AVOIDING THE CRACKS: A GUIDE TO THE WORKERS' COMPENSATION SYSTEM (Greenwood Press 1991) [216 pp.] Appendices, bibliography, glossary, index, preface. LC-90-21171; ISBN 0-275-93650-3. [\$39.95 cloth, Box 5007, Westport CT 06881.]

State and federal workers' compensation schemes have evolved to supplement and substitute for tort litigation. Having overcome initial problems and despite occasional "cracks," the system is a vast improvement over what existed before. Anne Tramposh makes this observation as a backdrop for her discussion of cases in which injured workers failed to receive prompt or adequate compensation. Drawing on her background as a certified Rehabilitation Specialist and extensive experience with workers' compensation, she attempts to identify barriers to recovery and suggest ways to avoid them.

The main purpose of this book is to advise injured workers of ways to get necessary information. For example, one appendix sets out the basic provisions of workers' compensation systems and addresses of administrators in each state. Others list associations providing assistance to disabled individuals and information on specific injuries. Questions to ask and plans for setting goals and courses of action are presented. Workers are given the tools needed to analyze their situation and start looking for new employment, if necessary. Workers who can benefit most are those who have not yet been injured or have only recently suffered injury. It provides little help for those desiring to climb back up through the cracks.

Others, particularly human resource managers, will also find the book useful for its overview of the workers' compensation system and its problems. Employers, for example, often expect insurance claims adjusters to inform them of problems as they develop with individual cases. But Tramposh points out that claims adjusters do not generally

regard themselves as having an obligation to advise employers, only to process claims. Having made this observation, however, the author neglects to expand upon the possible ramifications of such a misunderstanding and ways to avoid it.

The point nevertheless serves to highlight the main problem the author sees in the system — a lack of communication resulting from the large number of players and a large amount of mutual distrust. In supporting her thesis, the book analyzes the roles of injured workers, medical providers, insurance claims adjusters, employers and others in terms of their need for effective communication.

While Tramposh recognizes that lawyers are sometimes needed and points out circumstances in which it is appropriate to hire one, she cautions against being too quick to do so. Once a lawyer is involved, other players may become less open and may not be able to talk directly with the injured worker, thus contributing to communication problems. Given that 97% of workers' compensation cases are resolved without an attorney and that the system was developed to avoid the legal system, there is merit to her position. Yet, there is little point in an injured party's contacting an attorney, e.g., after settling a claim for less than it is ultimately worth. She seems not to realize that an injured worker may consult an attorney prior to deciding whether to prosecute the case pro se. For some of the people who turn out in the 3% of claimants who need an attorney, this may prove to be the main shortcoming of the book.

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