



PRO SE / SELF-REPRESENTED GUIDE

Workers' Comp Exhibit Guide

A practical guide to organizing evidence for workers' compensation claims, IME disputes, and benefit appeals.

You got hurt at work. Workers' compensation is supposed to cover your medical bills and replace part of your lost wages, but claims get denied, benefits get cut off, and the insurer's doctor may disagree with yours. Under federal law, the Longshore and Harbor Workers' Act (33 U.S.C. section 901) covers maritime and longshore workers. Most people fall under their state's workers' comp system. OSHA regulations (29 C.F.R. section 1904) require employers to keep records of workplace injuries, and you have the right to copies. Whether you are filing an initial claim or appealing a denial, organized medical records and documentation of your injury are what move these cases forward.

Incident & Reporting

- Incident report**
The report you filed with your employer describing how the injury happened
- First report of injury form**
The official form your employer filed with the workers' comp insurer
- Time and attendance records**
Your timesheet showing you were at work when the injury occurred
- Witness statements**
Written statements from coworkers who saw the accident or know about the hazard
- Photographs**
Photos of the accident scene, equipment, or hazard that caused your injury

Medical Records

- Treating physician records**
Records from the doctor you chose — their opinion carries more weight than the insurer's doctor
- Emergency room records**
ER documentation from the day of injury including triage notes
- IME report**
The independent medical exam report ordered by the insurer — review it for errors
- Specialist reports**
Records from orthopedists, neurologists, or other specialists you were referred to
- Work restriction letters**
Letters from your doctor specifying what you can and cannot do at work

Wage & Employment Documents

- Pay stubs (pre-injury)**
Pay stubs from the 52 weeks before injury — used to calculate your benefit rate
- Tax returns (W-2)**
W-2 showing your earnings for the year of injury and prior year
- Overtime records**
If you regularly worked overtime, those hours affect your benefit calculation
- Job description**
Your written job duties — important for disputes about whether you can return to work

Personal Documentation

- Pain and activity diary**
A daily log of pain levels, medications taken, and activities you cannot do
- Medication list**
All prescriptions with dosages and side effects you experience
- Mileage log**
Record of trips to medical appointments — mileage reimbursement is typically available
- Photos of injury progression**
Dated photos showing healing progress, scars, swelling, or mobility limitations

Legal & Hearing Documents

- Benefit determination letters**
All letters from the insurer showing what benefits were approved, modified, or denied
- Claim denial letter**
The specific reasons the insurer gave for denying or reducing benefits
- Hearing notice**
The notice scheduling your hearing with date, time, and procedures
- Vocational rehabilitation records**
If you were offered vocational rehab, the records of the program and your participation

COMMON MISTAKES TO AVOID

1. Not reporting the injury to your employer in writing — verbal reports are hard to prove later
2. Skipping doctor appointments during your claim, which the insurer uses as evidence you are not seriously injured
3. Not keeping a daily pain and activity diary, so you cannot describe your limitations in detail at the hearing
4. Accepting the IME doctor's findings without requesting your treating physician's response
5. Not calculating the correct benefit rate based on your full pre-injury earnings including overtime

ORGANIZATION TIPS

- Organize medical records in chronological order from the date of injury to the present
- Create a medical timeline showing each appointment, diagnosis, and treatment on a single page
- Keep your treating physician's records separate from the IME report so you can compare them side by side
- Flag specific entries in the pain diary that contradict the IME findings
- Calculate your pre-injury average weekly wage using the 52 weeks before injury — include overtime and bonuses

COURTROOM PREPARATION

- Your treating physician's opinion generally carries more weight than the IME doctor — get a detailed letter from your doctor about your work restrictions
- Bring a one-page medical chronology listing every appointment, procedure, and finding
- If the IME report contains errors, prepare specific examples: "The examiner wrote I can lift 50 pounds, but my treating doctor restricted me to 10 pounds on [date]"
- Know your state's benefit formula — temporary total disability is typically 2/3 of your average weekly wage
- Bring three copies of every exhibit: one for you, one for the judge, one for the employer's representative
- If the employer offers light duty, the job must be real work within your restrictions — not a made-up position designed to cut off benefits

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