

# DIVISION OF WORKERS' COMPENSATION

*Minimizing the impact of work-related injuries and illnesses. Helping resolve disputes over workers' compensation benefits. Monitoring the administration of claims.*

FACT SHEET F

## ANSWERS TO YOUR QUESTIONS ABOUT THE STATE'S UNINSURED EMPLOYERS BENEFITS TRUST FUND

Employers in the state of California are required by law to be insured for workers' compensation. Some employers don't obey this law. The state Uninsured Employers Benefits Trust Fund (UEBTF) is a special fund used to pay the claims of employees who get injured or become ill while working for an illegally uninsured employer. UEBTF pays injured workers and attempts to recover all benefits paid from the uninsured employer. The UEBTF is not the employer's insurance carrier or self-insured employer's third party administrator.

To be eligible for UEBTF benefits you must take certain steps. The process may seem hard, but taking one step at a time will help. This fact sheet will give you information on the UEBTF. You also need a packet of information and forms, including Information and Assistance (I&A) [guides 16](#), [16 \(A\)](#) and [16 \(B\)](#). You can get this packet from your local Division of Workers' Compensation (DWC) I&A officer or on line at [www.dwc.ca.gov](http://www.dwc.ca.gov). In the right navigation pane, under "Quick Links," click on "find a fact sheet or I & A guide".

### **How do I find out if my employer has workers' compensation insurance?**

Some employers use an insurance company and some employers are self-insured. In either case, your employer is required to post information about its workers' compensation insurance policy in the area where it posts other workplace information, like the minimum wage poster. The workers' compensation poster should have the name, address and phone number of the person or company handling claims for your employer and the policy expiration date. If you're not sure whether your employer had insurance on the date you were injured, call the [Workers' Compensation Insurance Rating Bureau](#) (WCIRB) at 1-888-229-2472 to find out or visit their website at [www.caworkcompcoverage.com](http://www.caworkcompcoverage.com). If your employer is self-insured, you can contact the Department of Industrial Relations Office of Self Insurance Plans at (916) 574-0300 or visit their website at [www.dir.ca.gov/osip](http://www.dir.ca.gov/osip).

### **What if my employer is uninsured?**

It is illegal for an employer to run a business and have employees without being insured for workers' compensation. Failure to obey this law can result in steep fines, having the business shut down, criminal charges and even jail time for the employer. Contact your local state of California, Department of Industrial Relations, [Division of Labor Standards Enforcement](#) (DLSE) office and make a complaint if you believe your employer is operating uninsured. Go to [www.dir.ca.gov/dlse](http://www.dir.ca.gov/dlse) to find an office near you.

### **Will I receive the benefits I'm entitled to if my employer is uninsured?**

Yes. You have several options for claiming those benefits. First, file a [DWC 1 claim form](#) (see I&A [guide 1](#)) with your employer and see if your employer will pay your medical bills and other benefits. Without insurance, your employer may decide to pay your medical bills and make disability payments directly to you. You may also contact the Employment Development Department and apply for state disability insurance (SDI) benefits, which will make up for some lost income if you're unable to work.

If your employer is uninsured and unwilling or unable to pay your claim, you may also file a lawsuit for benefits in civil court.

If you use the resources available at your local DWC I&A Office and are willing to do the footwork, you may be able to get your benefits through a settlement with your employer. You may have to go before a workers' compensation judge to have your benefits "awarded" to you. The I&A officer will help you figure out your rights and options.

### How do I apply for benefits with the UEBTF?

First, open a case at your local WCAB office. See I&A [guide 1](#). There are two special requirements you **must** meet to file a UEBTF claim:

1. You must correctly identify (provide the legal name of) your employer
2. You must notify your employer about your claim through a legal process called "service".

UEBTF can only pay your benefits if your employer is correctly named and served. If you go before a workers' compensation judge and receive an "award" of benefits, the UEBTF must pay the award if the employer fails to do so. If you do not begin receiving benefits from your employer within 10 days after learning about your award, you can ask the I&A officer for help to obtain benefits from the UEBTF. The UEBTF can, on a discretionary basis, decide to pay your benefits before a judge issues your award, so you will want to file your papers with the WCAB and the UEBTF at the same time.

See I&A [guide 16](#) for the step-by-step application process. See I&A [guide 16 \(A\)](#) for information on how to name your employer. See I&A [guide 16 \(B\)](#) for information on how to serve your employer. Remember, you **must** correctly name and serve your employer to get these benefits.

### I'm an undocumented worker. Am I entitled to benefits?

Yes. All California workers -- whether or not they are legally authorized to work in the United States -- are entitled to benefits if injured on the job. You are eligible for medical treatment, temporary disability payments if you're unable to work while you recover and permanent disability payments if you are permanently disabled in some way as a result of your injury and death benefits. You may be eligible for supplemental job displacement benefit if you have a permanent disability.

### This process sounds complicated. Should I get an attorney?

If you take the process one step at a time you will find it simpler. You may also call an attorney to discuss your case. Your local I&A officer has a list of attorneys who practice workers' compensation law. You may also check the yellow pages of the phone book, the State Bar, or local bar association to find a workers' compensation attorney.

For more information, call 1-800-736-7401 or visit the DWC Web site at [www.dwc.ca.gov](http://www.dwc.ca.gov) to find a local [I&A office](#). You may also download [I&A guides](#) and get information on workshops for injured workers.