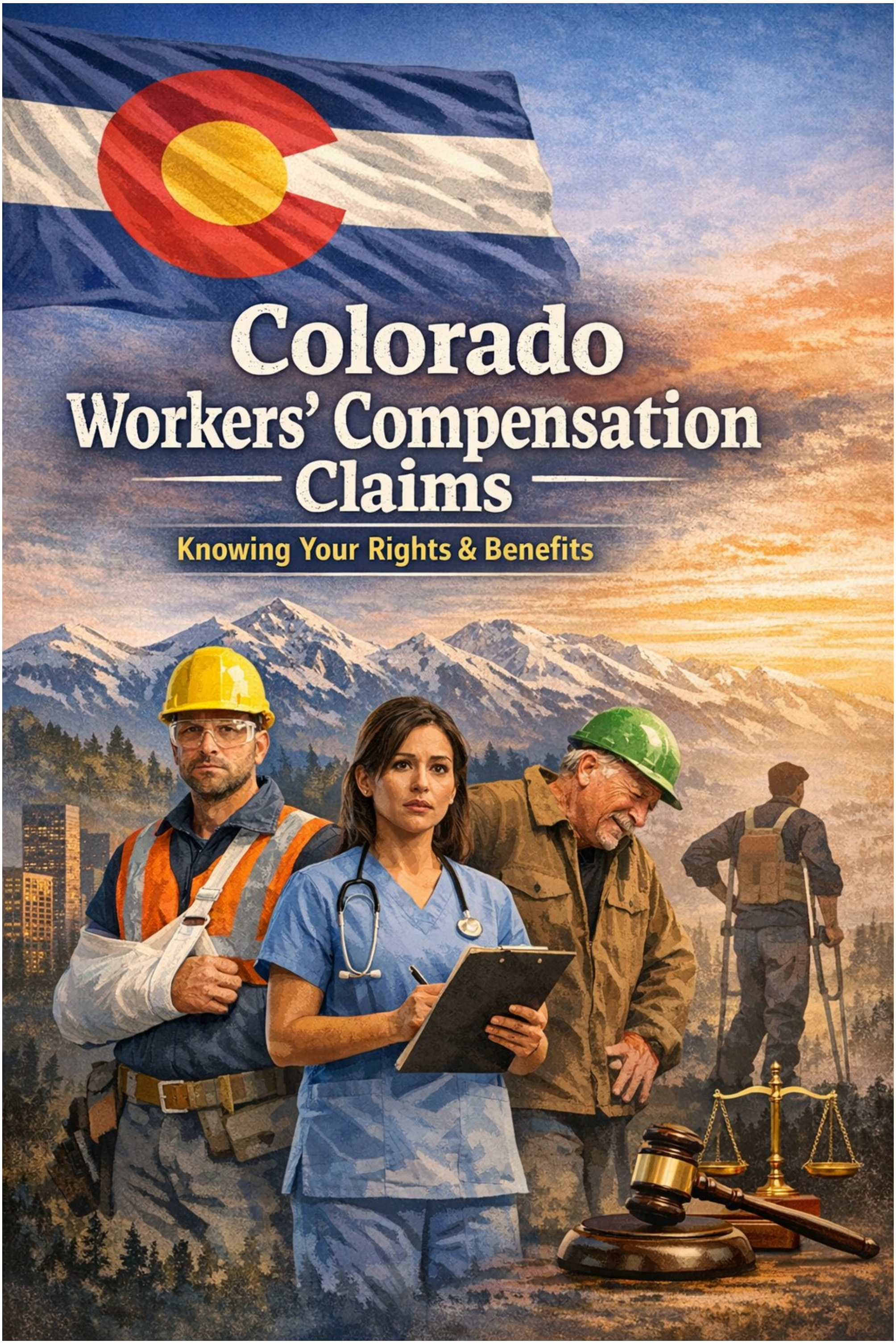
Colorado
Workers' Compensation
Claims
Knowing Your Rights & Benefits

YOU AND YOUR COLORADO WORKERS' COMPENSATION CASE

A 2026 Update

TABLE OF CONTENTS

What Is Workers’ Compensation?

Workers’ compensation is a system that provides benefits to employees who are injured or become ill because of their job. It doesn’t matter if your employer was at fault or not—if you’re hurt on the job, you’re entitled to benefits. In exchange, you usually can’t sue your employer for your injury, even if they were negligent.

This system is designed to help you get medical care and wage replacement quickly, without the need for a long legal battle.

Am I Entitled to Workers’ Compensation?

If you are an employee—full-time or part-time—and you’re injured or become ill because of your job, you are likely entitled to workers’ compensation benefits. This includes injuries from accidents, occupational diseases, or repetitive stress.

What Workers Are Not Covered by Workers' Compensation?

Not everyone is covered by workers' compensation in Colorado. Here are some exceptions:

- Sole proprietors, corporate officers, and LLC members (unless they choose to be covered)
- Independent contractors
- Commission-only real estate agents and brokers
- Volunteers (unless they elect coverage)
- Federal employees (covered by federal workers' compensation)
- Railroad employees (covered by federal laws)
- Drivers under a lease agreement with a common or contract carrier
- Certain volunteers for ski area operators
- People providing host home services as part of residential support

If you're unsure whether you're covered, consult a lawyer.

What If My Employer Says I'm an "Independent Contractor"?

If your employer claims you're an independent contractor and refuses to pay workers' compensation, don't take their word for it. The law decides your status based on how much control your employer has over your work, not just what your employer calls you.

If you believe you're really an employee, talk to a lawyer right away. The decision is up to a judge, not your employer.

What Do I Do When I’ve Been Injured on the Job?

If you’re injured at work, report it to your employer **immediately**. You must notify your employer in writing within **10 working days** of the injury. If you don’t, you could lose benefits.

If your injury keeps you from working for more than three days, you’re entitled to compensation. Even if you miss less time, your medical bills should still be covered.

What Type of Benefits Am I Entitled To?

You’re entitled to:

1. **Medical benefits**: All medical bills related to your injury are covered, with no limits.
2. **Disability benefits**: You’ll receive about **66⅔%** of your average weekly wage if you’re unable to work, up to a maximum of **$1,396.85 per week** for injuries occurring between July 1, 2025, and June 30, 2026.
3. **Other benefits**: For catastrophic injuries, you may also receive attendant care or other support services.

What If My Spouse Dies on the Job?

If your spouse dies because of a work-related injury or illness, you may be entitled to benefits for many years, possibly for life, unless you remarry. If the employer doesn’t start paying, contact a lawyer immediately.

Can You Describe the Various Types of Compensation for Lost Wages?

There are four main types of disability benefits:

1. **Temporary Total Disability (TTD)**: If you can't work at all while recovering, you'll receive TTD benefits until you return to work, reach maximum medical improvement (MMI), or are released to return to work.
2. **Temporary Partial Disability (TPD)**: If you return to work part-time or with restrictions, you'll receive TPD benefits to make up for lost wages.
3. **Permanent Partial Disability (PPD)**: If you reach MMI but still have some permanent impairment, you'll receive PPD benefits based on your impairment rating. The maximum combined benefit for PPD and TTD is **$192,996.79** if your impairment rating is 19% or less, and **$312,967.77** if your rating is 20% or higher.
4. **Permanent Total Disability (PTD)**: If you're permanently unable to work, you may receive PTD benefits for life.

When Do I Get Paid My Benefits?

Your employer has **10 days** to report your injury to their insurance company. The insurer then has **20 days** to start paying benefits or deny your claim. If your claim is accepted, you'll receive your first payment within **35 days** of reporting your injury.

If your employer or the insurer fails to act, you can file a claim yourself with the **Division of Workers' Compensation**.

Who Pays My Benefits?

Almost all Colorado employers must carry workers' compensation insurance. It's the insurance company—not your employer or the state—that pays your benefits. In rare cases, very large companies may self-insure, but this is uncommon.

Can I Pick My Own Doctor?

As of 2026, you can now choose your own doctor from the **Division of Workers' Compensation's statewide list of Level I or II accredited providers**. You are no longer limited to a list provided by your employer. If you don't select a doctor within **7 days** of your injury, your employer or insurer may choose one for you.

What If the Insurer Denies My Claim?

If your claim is denied, you can appeal the decision. Contact a lawyer immediately to help you navigate the process and fight for your benefits.

What If My Employer Does Not Carry Workers' Compensation?

If your employer doesn't have workers' compensation insurance, you can sue them in civil court for negligence. If you win, you can collect damages, including pain and suffering. You can also file a workers' compensation claim and place a lien on your employer's assets.

Can I Change Doctors?

Yes. If you're unhappy with your doctor, you can request a change. You have the right to switch to another accredited provider at any time, but it's best to notify your insurer in writing.

What Is an IME?

An **Independent Medical Examination (IME)** is a medical evaluation requested by the insurance company. They may ask you to see their doctor to confirm your injury or treatment needs. You must attend, but if you disagree with the IME doctor's opinion, you can request another evaluation.

What Do I Do When the Doctor Releases Me to Go Back to Work, but I Can’t Find Work Within My Restrictions?

If your doctor releases you to return to work with restrictions, but you can’t find a job that fits those restrictions, file for **unemployment benefits** within **four weeks**. This will help protect your income while you search for suitable work.

What If I Am Released to Return to Work With Restrictions and My Employer Offers Me a Job?

If your employer offers you a job that fits your restrictions, you must accept it. If you refuse, your benefits may be cut off. If the job pays less than your previous wage, you may still receive partial benefits.

What If I Don’t Agree With My Doctor’s Restrictions?

If you disagree with your doctor’s restrictions, you can request an **IME** at your own expense. If you can’t afford it, your lawyer can ask the court to make the insurance company pay for it.

What If I Am Fired in Retaliation for Filing a Workers’ Compensation Claim?

Colorado law protects you from being fired for filing a workers’ compensation claim. If you believe you were fired in retaliation, you can file a complaint with the **Division of Labor Standards and Statistics** or sue your employer for wrongful termination. Retaliation is illegal under both common law and the Colorado Anti-Discrimination Act.

I Just Received a “Final Admission of Liability” Form. What Do I Do About It?

This form lists the benefits the insurance company has paid and what they plan to pay in the future. If you disagree with anything on the form, you must object in writing within **30 days**. If you don’t, you may lose your right to challenge their decision.

How Do I Get Money for My Case?

You can either accept the insurance company’s offer or negotiate a **settlement**. A settlement means you receive a lump sum in exchange for closing your case. Once settled, you can’t reopen your case for more benefits, even if your condition worsens.

What If I Was Injured Last Year, but Now My Injury Has Worsened and I Need More Medical or Wage-Loss Benefits?

You can reopen your claim if your condition worsens, as long as you didn’t sign a final settlement waiving this right. You have **six years** from the date of injury or **two years** from your last medical treatment or benefit payment to reopen your claim.

When Should I See a Lawyer and How Much Do They Cost?

If your injury is minor and your employer is cooperating, you may not need a lawyer. However, if your injury is serious or your claim is denied, consult a lawyer immediately.

Most workers’ compensation lawyers work on a **contingency fee** basis, meaning they only get paid if you win your case. Fees are typically **20-25%** of your recovery.

Request for Medical Mileage

You can be reimbursed for mileage to and from medical appointments. The current reimbursement rate is **$0.63 per mile** (as of January 1, 2026). Keep track of your trips and submit a request to your insurer within **120 days** of travel.

Footnotes

1. **Reporting Deadline**: Colorado Revised Statutes § 8-43-102. Link
2. **Disability Benefits**: Colorado Division of Workers' Compensation, Maximum Benefits Order for 2025-2026. Link
3. **Physician Selection**: Colorado House Bill 25-1300, effective 2026. Link
4. **Retaliation Protections**: Colorado Anti-Discrimination Act and common law protections. Link
5. **Mileage Reimbursement**: Colorado Division of Workers' Compensation Quick Reference Guide, updated January 1, 2026. Link

Note: This pamphlet is for informational purposes only and does not constitute legal advice. Always consult a qualified attorney for advice specific to your situation.

A. BRADLEY GOODMAN, ESQ.
Attorney at Law
abradleygoodman.com