

Makin' It Better Newsletter

Oregon Workers' Compensation | Personal Injury | Social Security Disability

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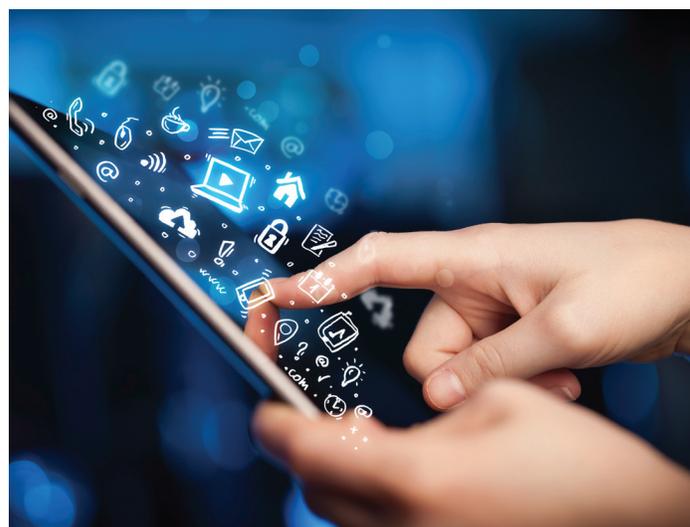
Are college athletes
employees of the
university?

Think about the daily role of technology today compared to ten years ago, even five years ago. The biggest change is our connectivity. We can share our lives with friends old and new like never before. That can be a good thing (Ice Bucket Challenge), or a bad thing (online bullying). In our world of representing injured people, Facebook and other social media brings new challenges.

Insurance defense attorneys know that Facebook can be a gold mine to undercut an otherwise legitimate claim. We routinely receive requests for ALL of the data from a Facebook account. Although some courts have shown a willingness to narrow what our client must provide, one picture or one comment can be read the "wrong way," and create big problems for your case.

Here are some tips on not sinking your injury claim, or your on the job injury claim:

1. Be honest and straightforward when you tell the insurance company and your physicians what you can and can't do. Cheaters ALWAYS get caught.



2. Be aware that if the insurance company may hire investigators to video tape you, call your neighbors, or even contact you under false pretenses.
3. Don't post stupid stuff on Facebook and, at the very least, don't let your Facebook page be viewed by everyone. Same for LinkedIn and YouTube.

Don't think that an experienced injury lawyer can work miracles. There's a lot we can do to improve your chances of winning, but changing the reality of a video or photo or Facebook comment isn't one of them. ■

tasty recipe



This quiche is perfect for a brunch or lunch!

Ingredients:

- 1 frozen pie shell (thaw before use)
- 8 strips lean bacon, cooked and crumbled
- 4 large eggs
- 1 1/2 cups half-and-half or whole milk
- 1/4 teaspoon dried leaf thyme
- 1/8 teaspoon pepper
- 1 cup shredded sharp Cheddar cheese

Preparation:

For the pie shell, preheat oven to 350° and bake the thawed pie shell for 10 min. Set aside.

In a small bowl, whisk together the eggs, milk, thyme, and pepper. Pour into the baked pie shell. Crumble bacon over the top with the shredded Cheddar cheese. Bake at 375° for about 30 minutes, or until quiche filling is set and top is lightly browned. Serve the quiche with fresh tomato wedges or a tossed salad. ■

summer vacation



Summer moves quickly for our family, but when August rolls around, we get a break; a time to slow down and relax before gearing up for school. This year was our second trip with old friends to catch up, and enjoy the scenery. Shasta Lake was not an option (low water levels), so we met at Detroit Lake instead. The lake was full to the brim, but dry conditions were apparent. With many fires burning on the East side of the Cascades, we saw the hustle and bustle of firefighting, and even spotted some Hot Shots from Lassen headed up the I 5 to help with the effort.

Detroit Lake sits on the West side of the Santiam Pass, and is a reservoir of the North Santiam River. The lake floods a historical road bed of the former Oregon Pacific Railroad. At one time, this railroad was slated as a transcontinental line, but funding got the rails only as far as Idanha, a now quiet mill town a few miles up the road from the lake. Trains ran to Idanha into the 1950's during the post war timber boom until they were pulled to make way for the reservoir.

Originally part of the Willamette Valley Projects, the Santiam was originally dammed for irrigation and flood control, but fishers and boaters from all over Western Oregon have since discovered the lake's recreational opportunities. The Detroit area now offers two marinas, campgrounds, and great fishing.

The kids enjoyed riding the tube, but most of the adults opted for a slower pace, swimming and relaxing in many of the coves and inlets on the lake. This was a special trip for us because it marked a milestone for our friends' son Gabriel, who is headed off to college. We learned a lot about the college search and application process, and hope to share this new found knowledge with other parents and kids looking at college on the horizon.

Good luck Gabe! ■

just another day in the ocean

The horseshoe crab, native to Southeast Asia and the U.S. coastline from Maine to Mexico, has earned the nickname “living fossil,” surviving over 400 million years with very little change to its 10 legs; 9 eyes; tough, shelled exterior; and sharp tail (not used as a weapon). The horseshoe crab is not a true crab, however; it is much more closely related to arachnids than crustaceans.

May through June is spawning season. During new and full moons and high tides, female horseshoe crabs emerge from the ocean and head toward the beach. Often, they’re dragging a male that has attached itself to them using its hook-like front legs. The female will dig a hole in the sand, lay its eggs, and the male, along for the ride, will fertilize the eggs. Loner males not suave enough to find their own mates may attempt to join in.

Horseshoe crabs are important on many fronts.

Their eggs are a major food source for numerous birds, turtles, and fish. The study of horseshoe crab eyes has aided understanding of human vision. Horseshoe crabs are also a key source of bait for the eel and whelk fishery industries. In addition, they play a pivotal role in the biomedical field. Their unique blood contains limulus amebocyte lysate, which coagulates in the presence of small amounts of bacterial toxins, making it ideal for testing the sterility of medical equipment and nearly all intravenous drugs.

If the Earth is still here in 400 million years, chances are the horseshoe crab will be, too – if humankind doesn’t get in the way. ■



September 2014 Important Dates

September 1 – Labor Day
September 7 – Grandparents Day
September 11 – Patriot Day
September 17 – Constitution Day
September 23 – Autumn Begins

the eyes and nose

MAY PINPOINT ALZHEIMER’S

A decreased ability to identify odors and a buildup of a certain protein in the eyes may both be indicators of cognitive impairment and Alzheimer’s disease, according to research trials reported at the Alzheimer’s Association International Conference® 2014 in Copenhagen, Denmark.

Beta-amyloid is a protein and primary component of the sticky plaques that form on the brain which are characteristic of Alzheimer’s. It hastens the deaths of brain cells, frequently including those vital to the sense of smell. Brain cell destruction also leads to a thinner entorhinal cortex and a smaller hippocampus, parts of the brain crucial to memory.

Administering the 40-item University of Pennsylvania Smell Identification Test (UPSIT) is one tool that can be implemented in determining those most likely to have or develop Alzheimer’s, in coordination with other testing. Smell identification is viewed as a means to determine who is most likely to need more expensive or invasive testing.

The eyes may also hold clues to Alzheimer’s. Those with beta-amyloid plaques in the brain also present similar plaques in the retina and lens of the eye, as the eyes are an extension of the brain. A supplement (retina) or ointment (lens) with high fluorescent properties can be implemented that bind with beta-amyloid, enabling an imaging system to highlight it on the retina or lens. These tests have been proven extremely accurate thus far in assessing one’s risk for Alzheimer’s.

Less invasive testing for Alzheimer’s and identifying those at risk much earlier in the process will be pivotal once new treatments for prevention and early intervention are developed. The eyes and nose may play a key role. ■



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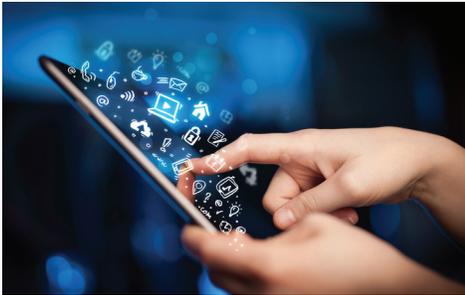
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This publication is intended to educate the general public about personal injury, on the job injuries, Social Security, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

ARE COLLEGE ATHLETES

employees of the university?



In January 2014, Northwestern University football players, with the financial backing of the United Steelworkers Union, filed a petition with the National Labor Relations Board (NLRB) to have collegiate student-athletes recognized as unionized workers. The prospective union calls itself the College Athletes Players Association (CAPA).

While Northwestern University officials acknowledge that the players raise issues worthy of discussion, they don't believe the players meet the definition of "employees" and feel that collective bargaining is not the proper avenue to address their concerns. The National Collegiate Athletic Association (NCAA) concurs and also points out that student-athletes are provided scholarships and many other benefits for their participation.

CAPA is demanding limited contact at football practices and additional independent concussion experts working the games. They also want medical expenses associated with sports-related injuries to be paid by the school, and that athletic scholarships include expenses such as travel and laundry fees, among others.

For now, the sensitive issue of student-athletes getting paid is being avoided, but it looms large. College football generates huge revenues that further the cause of the universities. If not for the players, the multimillions generated would not exist. However, players do receive an opportunity for an education that can affect the rest of their lives, often at institutions where their enrollment may have been declined otherwise.

Other questions surface as well. Would athletes who compete in sports that don't generate a lot of revenue be considered employees? What about students on non-athletic scholarships? Would public institutions be affected (the NLRA does not cover public-sector employees)?

It may take years before a decision is reached, with many interested parties paying close attention. ■

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