

# Makin' It Better Newsletter

Oregon Workers' Compensation | Personal Injury | Social Security Disability

## A HOMEOWNER'S nightmare

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More and more homeowners are being hit with the rude awakening that the house they purchased once hosted a methamphetamine lab—not exactly the American Dream. Methamphetamine is an increasingly popular, highly addictive recreational drug that is disconcertingly easy to make. Remnants of meth labs have been found in homes of all economic strata.

Manufacturing or smoking this drug leaves behind a slew of dangerous toxins—lead, mercury, lithium, iodine, and poisonous solvents—exposure to which can damage the body's nervous system, the liver, and its ability to properly produce blood. Unborn children are subject to birth defects and developmental issues.

There are financial consequences as well. A homeowner may be on the hook for tens of thousands of dollars for cleanup. Nearly everything that came in contact with meth by-products needs to be torn out and replaced.

There often aren't any telltale signs of meth production in a home that would tip off a homebuyer. It might only be when a family moves



in and eventually suffers health complications. Take the following precautions when house hunting:

- Ask neighbors about the history of the house and if police visits and busts were regular occurrences there.
- A disproportionate number of homes that are meth labs are single-family homes.
- A foreclosed home may warrant further scrutiny. Some meth homes get used, trashed, abandoned...then get recycled back onto the market.
- Ask your local police and health departments if they have any pertinent information for that address.

Discerning a meth-contaminated home may best be accomplished by hiring an industrial hygienist specializing in drug-residue detection. Exhaustive testing may cost \$2,000 or more; a quick-scan evaluation approaches \$500.

Be aware of state protections. Only 23 states currently have meth-specific disclosure laws pertaining to home purchases; a mere 12 have disclosure laws concerning landlords and tenants. ■

# something fishy

GOING ON

WITH SEAFOOD



The ocean conservation group, Oceana, recently released a report citing the fraudulent sale of mislabeled fish in cities throughout the United States. Oceana used genetic testing to expose the fish swaps with certainty. Common aquatic identity theft includes tilapia and tilefish being passed off as the more expensive red snapper (a frequent target), and an Asian fish called pangasius posing as an imposter for anything ranging from catfish to grouper. These examples just scratch the surface. Percentages of mislabeled fish in the Oceana report range from 18 percent in Seattle to 52 percent in the Southern California locale – high numbers no matter how you scale them.

This less-than-honest approach to selling fish at restaurants costs the public a pretty penny. Consumers pay high prices for cheap imitations. In addition, some people make decisions in their fish choices based on morality issues, which are rendered meaningless with swapped-out substitutes. Some fish are higher in mercury content as well, one example of possible health implications.

In addition to fraud, purposeful laxity in food labeling and marketing, courtesy of the Food and Drug Administration (FDA), is a co-conspirator in this fish caper. For instance, FDA rules allow fast-food chains to sell langostino as lobster when it's actually a member of the crab family.

The only real remedy is knowledge—knowing what products are likely to be “fakes” or “imitations” and frequenting establishments you trust. Government reform of marketing and food labeling might help a bit, too. ■

# Oregon workers' compensation:

## THE TWO MINUTE SUMMARY

Oregon Workers' Compensation claims are complicated; really complicated at times. When I sit down with a potential client to explain the anatomy of a claim, I usually get out my legal pad and draw a rectangle with five boxes. Each box represents a benefit or a potential benefit with a Worker's Compensation claim. There may be others, but this is just the basics. You should also keep in mind that these benefits are limited to the medical condition the insurance company accepted as part of your claim. Here is an example of my drawing.

**Medical Benefits:** You are entitled to medical treatment for the condition that was accepted as a result of your claim. For example, you may have torn a ligament in your knee, but if the insurance company only accepted a knee strain, then you are only entitled to treatment for the strain, and not the ligament tear. There are many other rules about who can provide medical treatment, and how. If you have a dispute with the insurance company over medical services, you can seek review with the Workers Compensation Division. You can sometimes obtain medical benefits even after your claim is closed.

**Time Loss:** The official name is temporary total disability, or temporary partial disability. If your doctor gives you a note to be off work completely, or if there is no work available for you with a limited duty release, then you are entitled to temporary disability benefits. You may be able to work part time, and in that case, you may receive temporary partial disability benefits. If you disagree with the insurance company's decision about temporary total disability, you can request review with the Workers Compensation Board.

**Permanent Partial Disability:** If your claim is disabling, and you have a permanent impairment that affects your ability to return to work, you may be entitled to a permanent partial disability benefit. This is a cash benefit intended to compensate you for lost earning capacity. There are two kinds of permanent partial disability: “work disability” and “whole person impairment.” If you are denied permanent partial disability, or disagree with the amount of permanent partial disability provided, you can appeal the decision to the Appellate Review Unit, which is part of the Workers Compensation Division.

**Aggravation:** If your claim is closed, a five-year time period begins to run from the date of your closure. If, within this five year period of time, your accepted condition “actually worsens”, your doctor can file a claim for aggravation. This is a request to re-open your claim to provide medical care. If the aggravation claim is denied, you can request review with the Oregon Worker's Compensation Board.

**Vocational Rehabilitation:** If you are not able to return to your job after treating for your injury, and there are no other jobs available with your employer, then you may be eligible for vocational benefits. This depends upon your existing skills, and your wage at the time of injury. If you are found not eligible for the services, you can request review with the Oregon Worker's Compensation Division.

Remember, this is the two minute summary. If you or a friend have a claim and have questions, give us a call. ■

# book review: JEFF OLSON'S *THE SLIGHT EDGE*

Are you looking to lose a few pounds? Do you think about starting a new business, but are overwhelmed? Do you have a dream for the future, but no idea on how to get there? Do you just want to accomplish something simple, like cleaning out the garage? I think we all ponder these questions from time to time.

Of all the kinds of books out there, I always enjoyed the novel. It's an escape, really. We all deal with the challenges of day-to-day life, and I can think of nothing better than sitting by the fire with a big old fat book, and a hot cup of coffee; especially in the dead of winter.

I recently picked up *The Slight Edge* by Jeff Olson. You could say that this is a self-improvement book. This book does not offer any silver bullets or secrets to instant success. In fact, this book does not really say anything that has not been said before. Nonetheless, Jeff Olson did a wonderful job pointing out the obvious, and explaining that the secret to success is really no secret at all. It's about keeping it sure and steady.

For example, the author explains that there are no shortcuts to success. Our agrarian forefathers knew that you had to plant, cultivate, and then harvest. Now, with the instant gratification that smartphones and email provide, we assume that we can plant, skip the cultivate part, and then harvest. Do you ever get impatient

standing in front of the microwave? It just doesn't work that way.

Another pearl of wisdom I've taken away from this book is that it is just as easy to do the little things that will make you successful as it is to not do those things. In my office, ten feet from where I am sitting, there is a tread climber exercise machine. I bought this thing about three or four months ago, and I confess that it gathered some dust. It's very easy for me to get on that machine and walk for thirty minutes. It's just as easy for me to walk right by it, out the door, down the back stairs, and hop in the truck and drive home. Since reading the book, I am proud to say the machine is getting more use, and I have improved my health.

I was so excited about this book that ordered several copies to give out to friends and colleagues. I still have about six or seven copies in the office, and if you give me a call or send an e mail with your address, I am happy to send a copy out to you.

There is also related book, *Success for Teens: Real Teens Talk About Using the Slight Edge*. I am assuming this book is as readable and helpful as the "adult version." I have ten copies on order, and if you are a teen, or if you know a teen that may get something out of this book, contact me, and I can send a copy out to you. ■

## May 2013 Important Dates

May 1 – May Day      May 5 – Cinco de Mayo  
May 12 – Mother's Day      May 18 – Armed Forces Day      May 27 – Memorial Day

## did you know?

Each year, approximately 90,000 children are treated in emergency rooms for unintentional poisonings and nearly 40 die. It is estimated that 90 percent of poison incidents happen at home.

The Consumer Product Safety Commission (CPSC) has produced the following list to help prevent unintentional poisonings:

- Keep medicines and household chemicals in their original, child-resistant containers.
- Store potentially hazardous substances up and out of a child's sight and reach.
- Keep the national Poison Help Line number, 800-222-1222, handy in case of a poison emergency.
- When hazardous products are in use, never let young children out of your sight, even if it means you must take them along when answering the phone or doorbell.
- Leave the original labels on all products, and read the labels before using the products.
- Always leave the light on when giving or taking medicine so you can see that you are administering the proper medicine, and be sure to check the dosage every time.
- Avoid taking medicine in front of children. Refer to medicine as "medicine," not "candy."
- Clean out the medicine cabinet periodically and safely dispose of unnecessary and outdated medicines.
- Do not put decorative lamps and candles that contain lamp oil. ■





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## A HOMEOWNER'S nightmare



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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.

## MONARCH BUTTERFLIES becoming scarce

Each autumn, monarch butterflies migrate from Canada and the United States to their winter haven in the mountain fir forests of central Mexico. But the monarch numbers reaching their winter destination have been in decline six out of the last seven years. It is estimated that only one-fifteenth as many monarchs reach the Mexican forests today as in 1997—a statistically significant long-term trend. Experts are divided as to the precise causes.

Illegal logging in the monarch reserve has long been thought to have a disruptive effect. Increased enforcement and alternative development programs have reduced logging, but it still exists.

Disruption of water resources in Mexico may also play a role in the monarch decline. Mountain streams have been interrupted by drought and human use. Tourism in the reserve area may have an unsettling effect, too.

Factors in the United States and Canada may be contributing as well. The World Wildlife Fund believes changing climate conditions and agricultural practices are the main culprits, especially pesticide use that kills off milkweed, the main source of food for monarchs and their offspring. The loss of milkweed makes it difficult for monarchs to lay eggs and for the offspring that do hatch to find a sufficient supply of food.

Whatever the exact cause of the dwindling monarch population, Canada, the United States, and Mexico will need to work together to reverse the trend. The continued decimation of this beautiful creature would indeed be sad news for all. ■

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