

# Facts for Workers Whose Employers Are Illegally Uninsured

The law requires employers in California to have workers' compensation insurance.

If you get hurt on the job and your employer is illegally uninsured, you may apply for workers' compensation benefits from the state Uninsured Employers Benefits Trust Fund (UEBTF). You may also sue your employer for personal injury.

To apply for benefits from the UEBTF, you must find the correct legal name of your employer and notify your employer about your claim. This will enable the state Workers' Compensation Appeals Board (WCAB) to require the UEBTF or your employer to pay your benefits. It will also enable the UEBTF to collect from your employer after paying your benefits.

Your employer could be an individual, a partnership or association, or a corporation or limited liability company. You can do a search to determine your employer's identity and correct legal name. The following may provide the information you need:

- Paychecks or other papers from your employer
- Telephone directory
- City's business licensing bureau
- City or county tax assessor's office
- County clerk's "Fictitious Business Name" index
- California Secretary of State, "California Business Search":  
[www.sos.ca.gov/business/business.htm](http://www.sos.ca.gov/business/business.htm)

You should also gather and organize the following materials and other information to support your claim, and you should continue to do so until your claim is completed:

- List of witnesses to the injury
- Notes of discussions with people involved in your claim
- Notes tracking your medical condition and ability to work
- Medical reports
- Medical bills, receipts for prescriptions and travel to medical appointments
- Proof of employment such as pay stubs and W-2 forms, or license plate number of your employer's vehicle

The rules on how to name and notify your employer are strict and detailed. You can ask for guidance and help from an Information & Assistance officer or an attorney. See the factsheets, *State Information & Assistance Officers* and *Workers' Compensation Applicants' Attorneys*.

This factsheet was produced by Worksafe Law Center in July 2009. It is adapted from an upcoming booklet called, *If Your Employer Is Illegally Uninsured: How To Apply for Workers' Compensation Benefits*, produced for the California Commission on Health and Safety and Workers' Compensation by the Institute for Research on Labor and Employment, University of California at Berkeley. All or portions of this factsheet may be reproduced for educational purposes without permission. Please credit Worksafe Law Center, IRLE, and the Commission. To contact Worksafe, go to [www.worksafe.org](http://www.worksafe.org) or call 510.302.1027.