Can You File a Second Workers' Comp Claim If You're Hurt Again at Work in Georgia?

Whether a New Injury Opens a New Claim or Reopens the Old One Can Change Your Deadlines, Benefits, and Insurer

Yes. A worker who suffers a new on-the-job injury in Georgia can file a new workers' compensation claim, even if an earlier claim is still open or already closed. The harder question is whether the second problem is truly a new injury or the old one getting worse. That label decides which claim pays, which deadlines apply, and sometimes which insurance company is responsible.

Darlene Jordan knew who to call when a work injury kept her out of her job. "It was a workers compensation claim and I knew I had to call Gary Martin Hays," she said. "They know workers compensation law inside out."

At Gary Martin Hays, LLC, our Georgia workers' compensation lawyers sort out repeat injuries every week. We look at what happened, when it happened, and how the earlier claim ended before deciding how to file.

What to Do Next

- **Report the New Injury Right Away** – Tell a supervisor about the new incident, and put it in writing within 30 days.
- **Describe What Happened This Time** – Explain the new event, such as a fall or a lift, rather than describing it as "the old injury acting up."
- **Get Medical Care From the Panel** – Use the employer's posted panel of physicians unless the care is an emergency.
- **Find Your Old Claim Paperwork** – Gather settlement documents, award letters, and the date of your last benefit check.
- **Don't Assume the Old Claim Covers It** – A closed or settled claim may not reopen, so a new claim may be the only path to benefits.

New Injury, Change in Condition, or Aggravation?

Georgia law treats a second work-related problem in one of a few ways. The category matters because each one has its own deadline and its own rules. The table below compares the most common situations.

Situation	How It's Usually Handled	Key Deadline
A New Accident at Work	A new claim for a new date of injury	Report within 30 days and file within one year
The Old Injury Gradually Worsens	A change in condition on the original claim	Two years from the last income benefit payment
A New Accident Aggravates an Old Injury	Often a new claim, depending on the medical evidence	Same as any new accident
The First Claim Was Settled	The old claim is usually closed for good, so only a new accident can support a new claim	Depends on the new accident date

These categories often overlap in real cases. A doctor's opinion about whether a new event caused new damage, or the old injury simply progressed, often decides how the State Board of Workers' Compensation views it.

When a Second Injury Counts as a New Claim

A specific new incident usually creates a new claim. Slipping on a wet floor, catching a hand in a machine, or hurting a shoulder lifting a heavy box are all new accidents, even for a worker with a prior injury.

A new claim comes with fresh notice and filing rules. Under O.C.G.A. § 34-9-80, the worker must notify the employer, and written notice is required if notice in person hasn't been given within 30 days. Under O.C.G.A. § 34-9-82, the claim generally must be filed with the board within one year of the injury.

A new claim can also bring a new insurance carrier. If the employer switched carriers between the two injuries, the insurer covering the date of the new accident is generally the one responsible for it. Carriers on both sides may try to push the claim onto the other, which is one reason the paperwork describing the new event matters.

When It's a Change in Condition Instead

Sometimes there's no new accident at all. The original injury just gets worse over time, or a worker on light duty finds the same back pain returning. Georgia handles that as a change in condition under O.C.G.A. § 34-9-104.

The Supreme Court of Georgia addressed this in *Scott v. Shaw Industries*. The court held that when an injury gradually worsens from the ordinary wear and tear of light-duty work, it's a

change in condition on the original claim, not a new accident. That ruling moved away from an older practice of treating gradual worsening as a "fictional" new injury.

A change in condition claim must be filed within two years of the last income benefit payment. The same statute bars this route when the prior decision was based on a settlement. That makes a settled claim very different from one that simply went quiet.

What If You Settled Your First Claim?

Many Georgia workers' comp claims end with a settlement that closes the case, including future medical care. Once that happens, the old claim generally can't be reopened, even if the injury flares up years later.

A brand-new accident is different. A settlement of the first claim doesn't waive a claim for a later injury that hadn't happened yet. A worker who settled a knee claim in 2023 and then injured a shoulder in 2026 has a new claim for the shoulder. Even if the new accident hits the same knee, a new incident can support a new claim when the medical evidence shows new harm.

That's why the details in the first report carry so much weight. A note saying "same knee pain as before" invites the insurer to argue nothing new happened. A note describing the fall on the loading dock tells a different story.

How a Second Claim Can Affect Your Benefits

A new claim isn't just a second chance at the same benefits. It can change the numbers in a worker's favor.

- **A Fresh Medical Benefits Clock** – For non-catastrophic injuries, O.C.G.A. § 34-9-200 limits medical care to 400 weeks from the date of injury, so a new injury date starts a new period.
- **A Wage Rate Based on Current Pay** – Weekly wage benefits are tied to earnings before the injury, so a worker who earns more now may qualify for a higher rate.
- **Separate Treatment for Separate Body Parts** – A new injury to a different part of the body has its own authorized care, apart from any limits on the first claim.

Insurers know these differences too. A carrier facing a new claim may argue the problem is only the old injury, especially when the first claim was settled or the old benefits period has run.

A Hypothetical Repeat Injury at a Warehouse

Suppose a forklift operator in Forest Park hurt her lower back in 2022 and settled that claim. In 2026, she slips on spilled oil and lands hard on the same side. Her back pain returns, worse than before, and an MRI shows a new disc herniation.

The insurer says her settlement ended any claim for her back. Her lawyers could respond that this is a new accident on a new date with new damage on imaging. If a judge agrees, she can

receive new medical and wage benefits under a claim that has nothing to do with the old settlement.

A Second Injury Deserves a Fresh Look

A prior claim doesn't make a worker "used up" in the eyes of the law. Georgia's system covers each work accident on its own facts. The challenge is proving which category a new problem falls into before deadlines pass. A worker who isn't sure where a second injury fits can start with these common questions about Georgia workers' comp.

Hurt again at work? Contact us today for a free consultation about your new claim. With our No Fee Guarantee, you won't pay anything unless we win. We'll review your earlier claim, explain whether a new claim makes sense, and handle the filing with the State Board.