

Social Media Mistakes That Can Damage Your New York Workers' Comp Case

New York workers' comp lawyers committed to protecting your claim

When you're hurt at work and depending on New York [workers' compensation](#) benefits to keep the lights on, social media can feel like a lifeline. You may be stuck at home, in pain, trying to stay connected and positive, so posting a photo or quick update feels harmless.

But the attorneys at [Pasternack Tilker Ziegler Walsh Stanton & Romano LLP](#) have seen how those moments become [powerful ammunition against injured workers](#) in hearings and negotiations, and the impact can be as jarring as having a private conversation played over a loudspeaker in court.

A single photo, comment, or check-in that seems innocent to you can be used to question how your workplace accident happened, how serious your injuries really are, or whether you're being fully honest. At worst, it can lead to a [denied workers' comp claim](#). Early on, it helps to understand how social media looks like from the other side of the courtroom, so you can protect your claim.

How insurance companies use social media against injured workers in New York

Insurance companies and their lawyers rarely leave social media alone. They look at it the way a private investigator looks at a calendar, because it tells them where to dig, when to dig, and what story they might tell about you.

Instead of relying only on a person following you with a camera, insurance companies can now:

- Scroll through public profiles to see photos, videos, and stories.
- Check tagged photos and comments from friends, coworkers, and family members.
- Search hashtags, locations, and public groups connected to your workplace, hobbies, or neighborhood.

If they notice a pattern, they'll plan the rest of their investigation around it. When they see you checking in at a gym three nights in a row, they may schedule physical surveillance at that exact time and location to capture video that appears to contradict your claimed limitations.

How social media shows up in court and hearings

Courts in New York have allowed social media content into evidence when it appears relevant to a person's injuries, activities, or credibility. That means posts can become:

- Screenshots shown to a workers' compensation law judge during a hearing.

- Exhibits in a deposition where you're questioned, under oath, about where you were, what you were doing, and how a particular image fits with your pain claims.
- "Timelines" that defense attorneys build to argue that you're more active or less limited than you've reported to doctors.

Social media posts that put your New York workers' comp claim at risk

Certain types of posts create problems over and over again. Understanding them helps you pause and think before you put anything new online.

Activity photos that undercut your limitations

Action pictures and videos are some of the most dangerous content during a workers' comp case. These include:

- **Exercise or sports:** Gym workouts, basketball games, running, or fitness challenges that appear to involve the injured body part.
- **Heavy chores:** Shoveling snow, carrying boxes, doing yardwork, or moving furniture.
- **Repetitive tasks:** Crafting, computer work, or other activities that conflict with a claimed wrist, shoulder, or neck injury.

Happy or social photos that tell the wrong story

You're allowed to enjoy a family event, sit by a pool, or attend a wedding while you're recovering. The danger is in how often and how intensely these moments show up online. A feed filled with parties, nightlife, and vacations can give the impression that you're living an active, carefree life while telling doctors that you can barely function.

Posting about your work injury or accident

Talking about your case online can create legal trouble out of thin air. Common examples include:

- Describing the workplace accident in a way that conflicts with official reports.
- Joking that you "should have been more careful," which could be spun as a partial admission that the incident wasn't really work-related.
- Sharing what your doctor "really said" or guessing about future recovery, which the defense may use to argue that your disability should end on a specific date.
- Bragging about a potential settlement or saying you're "set for life," which makes your claim look more like a money grab than a legitimate need.

Complaints about your employer or the process

It's completely natural to feel frustrated with an employer that you believe cut corners on safety or with an insurance company that keeps sending you to evaluations. The issue is how angry posts look on paper. When you write about "making them pay" or call people names, the defense may argue that you're exaggerating the impact of your injuries out of spite.

Location tags, check-ins, and travel content

Location tools and travel photos knit together a story of where you go and what you do. Those digital "breadcrumbs" can cause trouble when they conflict with your claimed routine. Red flags often include:

- Checking in at a ski resort, amusement park, or hiking trail while claiming serious mobility limitations.
- Frequent nightlife tags at clubs, bars, or late events when you've reported intense pain and poor sleep.
- Regular long-distance travel while you tell your doctor you can barely sit or stand for more than short periods.

Accepting new friend requests or followers

During an open claim, growing your online circle can open doors you never intended. While it's inappropriate for an investigator to misrepresent themselves, mutual friends, group memberships, and public interactions create a large web of content that's easy to monitor.

New York rules that make deleting and "privacy" more complicated

It's natural to think about cleaning up your page once you realize how your posts might look. Unfortunately, deleting or heavily altering existing content after an injury can be treated as destroying evidence. Courts call this spoliation, and it can lead to serious consequences such as:

- Judges assuming that the deleted posts would've hurt your case.
- Sanctions or penalties that damage your credibility.
- Extra leverage for the insurance company to push for lower benefits or settlements.

Additionally, tightening your privacy settings is generally a smart step, but it doesn't make your content invisible in a dispute. Courts can still order certain content to be produced, and anyone who can see your posts can screenshot or share them. Privacy settings are helpful, yet the safest approach is still not to post risky content in the first place.

How social media guides physical surveillance

Insurance companies also use your posts to decide when and where to conduct in-person surveillance. If you post about going to physical therapy every Tuesday morning and grabbing lunch afterward at the same spot, investigators may show up on a Tuesday with a camera.

They're looking for footage that appears to contradict your restrictions, and your own posts may have given them the schedule.

Safer social media habits while your NY workers' comp case is open

Telling someone to "just get off social media" isn't realistic for many people. But before you share anything, ask yourself:

- Would I be comfortable with this post being printed and handed to the judge, the insurance lawyer, and my employer?
- Could someone who doesn't know me misread this as proof that I'm not in pain or not limited?
- Does it say anything about my accident, injuries, doctors, benefits, or money?

If any of those questions make you uneasy, it's usually better not to post. Certain subjects cause so many problems that avoiding them is almost always in your best interest:

- Details about how your injury happened or who you blame.
- Descriptions of pain levels, physical limitations, or mental health symptoms.
- Photos or videos showing physical exertion, travel, or nightlife.
- Comments about working for cash, helping friends with heavy tasks, or doing side jobs.
- Posts about settlement figures, negotiations, or what your lawyer supposedly promised.

Managing old content and other people's posts

One of the biggest frustrations for injured workers is realizing how much they can't control. Instead of quickly deleting anything that looks bad, consider:

- Making a personal record of past posts that show physical activity, work duties, or travel so our attorneys can see them in context.
- Pausing new activity and letting your accounts sit relatively quiet while your case is pending.
- Discussing any truly problematic content with us before making changes so we can decide how to handle it strategically.

Friends and relatives may keep tagging you out of habit, not realizing the fallout it can create. A simple conversation can go a long way. You might say, "Because of my workers' comp case, my lawyer asked me not to be tagged in photos or check-ins for a while," and most people will understand.

At the same time, it helps to:

- Regularly check tagged photos and posts where your name appears.
- Adjust your settings so you have to approve tags before they show on your profile.

How our New York law firm helps you protect your case and your future

Social media is woven into modern life, especially when you're isolated, in pain, and looking for connection. Our goal at Pasternack Tilker Ziegler Walsh Stanton & Romano LLP isn't to judge how you use it, but to help you understand the legal consequences so you can protect your case, your income, and your long-term health.

If you have a New York workers' compensation claim and you were hurt on the job, [contact us online](#) or call one of our New York law offices for a free consultation. Our attorneys can review your situation, explain how your online activity might play into your case, and help you make a plan that supports both your recovery and your financial stability.