

Legal Procedures and Your Workers' Compensation Policy



WHAT HAPPENS WHEN AN INJURED WORKER FILES AN APPLICATION FOR HEARING?

When an injured worker files an application for hearing with the Utah Labor Commission, a Notice of Formal Adjudicative Proceedings & Order for Answer will be sent to the injured worker's employer and the employer's workers' compensation insurance carrier. The insurance carrier (or the employer, if not insured) must file an answer to the application for hearing, outlining its defenses to the claim in the application for hearing, within 30 days.

Upon receipt of the answer, the Utah Labor Commission will schedule a hearing date, typically scheduled four to six months after the answer is filed. Following the hearing, the judge will issue a final decision on the case. A decision is typically issued within three to six months after the hearing but may take longer in complex cases. The Utah Labor Commission will mail a copy of the decision to the employer and the insurance carrier.

If you are insured by WCF Insurance at the time of the injury in question, WCF will provide legal representation in connection with that injury. This means that you do not need to hire an attorney. A WCF attorney will file an answer to the application for hearing on your behalf. WCF's legal department will also investigate the claim and determine how to proceed.

With any disputed claim, there are three courses of action that can be taken; WCF can accept the claim, settle the dispute, or go to hearing. Regardless of the course of action, benefits paid on the claim, will be paid by WCF. The final course will be determined based on information discovered through the investigation process. As an alternative to the formal hearing process, the Utah Labor Commission also administers a mediation program through which the parties are encouraged to settle their disputed claims. Even if the parties do not utilize this formal mediation process, the Utah Labor Commission encourages settlement of claims.

As a general rule, a member of WCF's legal department will contact you before the answer is filed. You may also be contacted at a later date for more information regarding:

- The events leading up to the alleged injury
- Witnesses

- Return to work and/or wage issues
- Safety policies & procedures
- Other relevant matters

If appropriate, during the investigation process WCF will:

- Obtain the injured worker's prior medical records
- Conduct a deposition of or send written inquiries to the injured worker
- Obtain an independent medical evaluation of the injured worker

We encourage you to share with us any information you believe will be helpful in our investigation of the claim.

WHAT DO I DO WHEN AN EMPLOYEE FILES A LAWSUIT AGAINST MY COMPANY IN DISTRICT COURT?

WCF's legal department can assist you in determining what, if any, coverage you may have with your WCF Employers Liability policy of insurance. When you are served with a civil complaint, contact either the claims adjuster assigned to the claim or contact a representative from WCF's legal department. It is important that you provide copies of any documents relating to the lawsuit so WCF can adequately review your policy of insurance for possible coverage.

Accidents at work are sometimes caused by someone other than the employer or co-employee. WCF has a subrogation department specifically designed to investigate and obtain reimbursement from the third party responsible for the accident. As the employer, you have valuable information about the facts surrounding the work-related accident that can facilitate WCF's ability to recover money. We invite you to pass along the following information to our subrogation department:

- Witness statements
- Accident reports
- Photographs
- Actual physical item – example: tool
- Internal Investigations
- Contact information of individuals who may have witnessed or have information surrounding the accident

If you have further legal questions, please contact WCF's legal department at 385.351.8051.