

Details That Matter in the Claims Process

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SAFETY RISK MANAGEMENT WORKERS' COMPENSATION

Partners for a Safer State

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Workers' Compensation claims can be active for years

- Disputes can arise right away or years into the future
- Evidence of the actual accident starts to fade or change within just days

Accident Investigation & Fact Gathering is Critical

- Supervisor & Workers' Compensation Coordinator are closest in time to the incident
 - Document every fact possible
 - Verify and confirm the facts
- Consistency in approach to injury/incident investigations – every accident important
- A way to help you ask the best questions is to ask who, what, when, where, why and how
- Start broadly and then zero in on details
- Maintain your notes in a separate file for each claim

Questions & Follow-up Questions

- Initial Question: “What part of your body did you injure?”
- Follow-up question: “Please describe or point to the part of your back that you injured?”
 - Document side of body part and approximate area – left side, low or middle or upper back
 - Document if there is evidence of an injury – there is a bruise, swelling or red mark visible
- Follow-up question: “Besides the injury to the left-side of your lower back, did you injure any other part of your body?”
 - Document the response
- Verify and confirm that you have everything correct

Use Employee's Own Words

- Be careful not to assume anything or put details in your words or understanding
- Write down specifically what the employee says, even if it does not make sense to you
 - Use quotes from employee
 - Whenever possible have employee write down what happened and sign & date their statement

Visit the site where the injury occurred whenever possible

- Document what you see
- Bring employee along
- Diagram or map of location
- Pictures



Witnesses

- Identify
- Interview
- Ask if they spoke with others
- Document
- If they did not see anything, document this fact



Security Cameras in Workplace

- Is there film of accident?
- Is there film of employee working before and after accident?
- Does the film ID other possible witnesses?



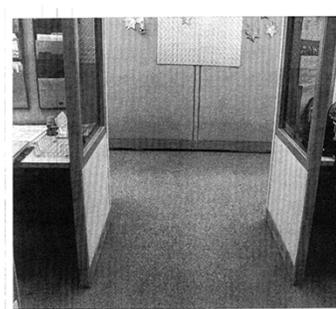
Unwitnessed fall at work

- Employee got up from her office and walked down hallway
- Employee was found lying unconscious on floor by co-workers
- Employee could not recall what happened
- It was reported that employee fainted and fell, striking her head on cabinet next to copier.



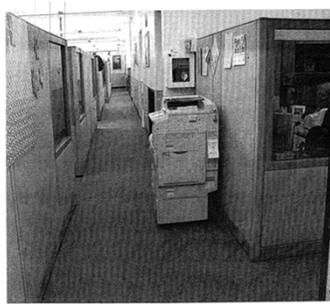
Pictures of Office Area

- Claim accepted
- Employee claimed she sustained a traumatic brain injury from the fall and suffered from migraine headaches, memory loss and could no longer work
- Q: Did her head actually strike the file cabinet when she fell?
- Claim became disputed and litigation arose



Pictures of Office Area

- These pictures were taken a couple of years after the incident
- A small metal cabinet was located to the near side of the copy machine of this picture at the time of the fall at work



The Evil Cabinet

This is a picture of the cabinet or a similar sized cabinet that was located next to the copy machine at the time of the fall at work

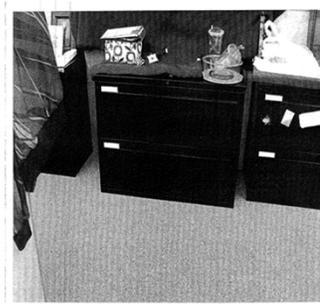
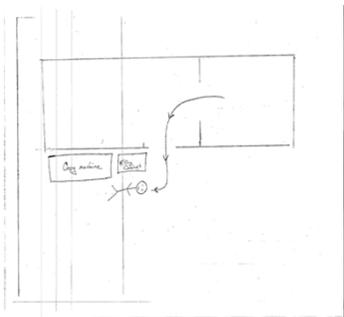


Diagram of Office Area

- Two witnesses each completed this diagram
- Witnesses signed & dated their diagram
- The employee was found lying on her back
- The employee did not have any visible wounds or marks on her head or face – did she actually strike the cabinet?



Identify third parties

- Auto accident
- Building Maintenance
- Defective equipment



Communicate expectations with employee and supervisor

- ROWA forms
- Time reporting
- Keep employee involved
- Keep supervisor involved
- Early RTW whenever possible



Maintain regular communication with employee

- Document new information
- Confirm RTW and job offers both verbally and in writing
- Share information with claim specialist

