WORKERS' COMPENSATION SYSTEM GUIDE

FLOW OF A WORKERS' COMPENSATION CLAIM

INJURY

EMPLOYER
Injury report to Employer

INSURANCE COMPANY/THIRD PARTY ADMINISTRATOR
Employer required to report to insurance company within 7 days of knowledge

Insurance Company Pays Claim

Yes

The insurance company must pay the first installment of compensation, if injured worker misses more than 7 days from work that is immediate and continuous, within 14 days after the employer has knowledge. Additional payment made bi-weekly until employee returns to work or benefits are exhausted.

NO

DENIAL
The insurance company must deny a claim within 120 days. The insurance company is required to pay benefits until the date the claim is denied.

ACCEPT DENIAL OF THE COMPENSABILITY OF THE CLAIM

YES

Case Close

CRISTAL LAW GROUP
Attorneys & Counselors-at-Law

NO

PETITION for BENEFITS
If the employee disagrees he/she may, within 2 years from the date of accident, file a Petition for Benefits. (NOTE: The 2-year limit pertains only to contesting the compensability of the claim.)

INSURANCE COMPANY/CARRIER RESPONSE
The insurance company must pay or respond to the Petition within 14 days of receipt of the Petition specifically denying those benefits they will not provide.

MEDIATION
Mediation is held within 130 days of filing the Petition

SETTLED?

YES

Case Closed

NO

Workers' Compensation Judge

Pre-Trial Hearing

Final Hearing (Within 90 days after the Pre-Trial Hearing)

ACCEPT DECISION

YES

Case Closed

NO

An appeal must be filed within 30 days from the date the WC Judge signs the Order

1st District Court of Appeals