

**LOGAN COUNTY  
CHAMBER OF COMMERCE**

Workers' Compensation  
Presentation

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**MISTAKES I SEE IN  
PROBLEM CASES REFERRED TO ME**



**COOLIDGE WALL**  
*A Legal Professional Association*



**David C. Korte**  
Workers' Compensation  
Certified Specialist

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**Certifying Claims Despite Warning Signs**



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### No Investigation – Facts or Medical

- If your claims processing protocol involves nothing more than completing forms: **MISTAKE**

- Go to scene
- Talk to witnesses




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### Accepting the BWC Tentative Order

- How much medical was reviewed?
- Prior injury history?
- A medical review carries far less weight




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### Scope of Medical Release

Ohio Bureau of Workers' Compensation Authorization to Release Medical Information

Employee Name: \_\_\_\_\_  
 Social Security Number: \_\_\_\_\_  
 Date of Injury: \_\_\_\_\_  
 Date of Release: \_\_\_\_\_

I, the undersigned, being duly sworn, depose and say that the above information is true and correct to the best of my knowledge and belief. I understand that my statement may be used in any legal proceeding.

Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

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### Arising Out of – In the Course and Scope

This is a Legal Concept – You Need an Attorney

- Claimants always have attorneys
- Attorneys can cross-examine claimants or other witnesses
- Attorneys can conduct favorable direct examination
- Attorneys can comment upon the evidence
- Attorneys can cite and analyze relevant case law
- The changing face of voluntary abandonment defenses and the concept of substantial aggravation
- Court reporter

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### Is Claimant Credibility An Issue?

- Cross Examination



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### Those Doctors

- Don't assume treating doctor is always right!
- If claimant has causal opinion and you don't, you can't win
- Challenge treatment issues and additional allowances
- Don't ignore C-9 approval by MCO
- Substantial Aggravation



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### The Wage Continuation Conundrum (State Fund)



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### The Power of IMEs and the Pitfalls

- The danger of the Rolodex
- IME doctor



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### And Speaking of Going to Court

- When was the last time your TPA suggested that you appeal to court?
  - Get allowance overturned and recover costs
  - Settle with a resignation
  - Advantages your company has in a court appeal
- The merits and strategy of a court appeal
- Overturning the allowance and obtaining a credit to premiums
- Extensive opportunity for discovery
- Enhance settlement discussion
- Mandamus



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## Settlement – Good Idea or Bad?

- Just Say No!
- Influences this claimant, his or her co-workers, and their attorneys



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## The RSD PTD Case

- Don't let this be you!



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## Questions?



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Workers' Compensation  
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