

17 Things Your IWLF Team is Doing The Process of Opening Your File

Once a client has retained us, they want to know “**what’s next?**” Well, the answer to that question is a long one. Here is a break down of what goes on in my office once you sign a Retainer Agreement and formally hire IWLF to help you get benefits.

- 1) **File the Notice of Representation** - We notify the Virginia Workers’ Compensation Commission, the insurance adjuster, and, if applicable, the defense attorney that we are now representing you in your claim.
- 2) **Download a copy of the VWC File** – We do this to make sure we are aware of EVERY SINGLE request or submission made to the Commission on your claim. We also use this to check on your Awards (to make sure they are correct or if they need to be amended).
- 3) **Request medical records and/or bills** – The attorney will determine if we need to request any records related to your injury and we request these from the medial providers. If we request medical records and/or bills from a medical provider, it usually takes the provider’s office about 30 days to get them back to us.
- 4) **Request recorded statements** – The attorney will determine if this is needed and, if so, a request for a copy of the statement is sent to the insurance adjuster or, if the insurance carrier has hired an attorney, we will send the request to their attorneys.
- 5) **Request records from the Nurse Case Manager** – If there is a Nurse Case Manager on the claim and if the attorney deems it appropriate, we will send them a letter requesting copies of their notes

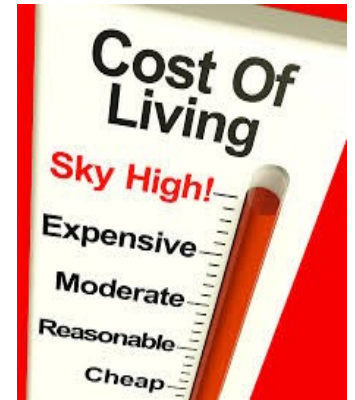


- 6) **Request records from the Vocational Rehabilitation Counselor** - If there is a Vocational Rehab Counselor on the claim and if the attorney deems it appropriate, we will send them a letter requesting copies of their notes and anything else in their file.
- 7) **Request wage info** - If you are receiving or if you are owed any lost wages, we will request wage information from the insurance carrier or the defense attorney to make sure you are being paid wages at the proper amounts.
- 8) **Send the Welcome Package to the client** – We send a “Welcome Package” to all of our new clients to let them know that we are in the process of opening their file and gathering info. This package will also contain a list of *who’s who* in our office and the function each person plays on their case.
- 9) **File the Claim for Benefits or amend the Claim for Benefits**- Sometimes we will file the Claim for Benefits for the client but most of the time this has already been done, so the attorney will confirm that the Claim for Benefits is correct. Or, if needed, the attorney will identify any changes that need to be made and file an *Amended* Claim for Benefits with the Commission.

- 10) **Determine if the proper Award Orders are in place** – If you have been paid wages, the attorney will want an Award in place for this. The Award is the enforceable document issued by the VWC. Simply getting a paycheck while you were off does not mean you are protected!



- 11) **Determine if client is eligible for COLA** – Depending on when your injury took place, you may be entitled to a Cost of Living Adjustment. If the attorney finds that you are entitled to this increase in pay, we will get the form to you and supply instructions on how to fill it out. Once we get it back from you we will file it with the court and follow up until the owed adjustment is paid.
- 12) **Determine if client is eligible for PPD** – The attorney will determine if it is appropriate to file for Permanent Partial Disability benefits. If you are, you will be hearing from us to get this appointment set up so you can be evaluated which is called a Functional Capacity Evaluation (FCE).
- 13) **Determine if we have/need medical causation** – Once we get some of your medical records in the office (either from you or from the requests that we sent to your medical providers) the attorney will make sure that the medical records support your position. Sometimes, after the attorney reviews the records, we determine that we need more information (see number 14).



14) **Send causation letter(s) to the doctor(s)** – If the attorney finds that your case needs more support, we may send a letter or questionnaire to the doctor asking them to very specifically tell us now your current issues are a result of the work injury you sustained. This is very specific language that some doctors may not have used in their notes and this language is one of the key elements the court will look for in determining if you should be awarded benefits.

15) **Send subpoenas for any records and/or witnesses** – If the insurance carrier or the defense attorneys raise any issues about how you got hurt or if you were wearing your safety gear, etc., the attorney will determine who it would be appropriate to send these to. Also, if there are other records that need to be gathered (like an employee handbook), the attorney may choose to subpoena these as well.

16) **Request a continuance or reschedule a hearing or deposition**– Sometimes people hire us a week or even a month before they have a hearing or a deposition scheduled. In some cases, because of the time it takes to gather information, we will ask the court or the defense attorney to reschedule some things to ensure that we have enough time to properly gather and review evidence.

17) **Evaluate the claim for settlement or hearing** – If you came to us because you want to settle the case, the attorney will review all the documentation and determine, based on the Code of Virginia, how much would be an appropriate settlement and draft a letter to the insurance carrier requesting to open settlement negotiations. If you came to the attorney because of a hearing, the attorney would be reviewing everything to be as certain as possible that we will be successful in court and, if necessary, requesting any further information from you or any of the parties to the case.



Obviously, not all of these steps will apply in every single case but this is the general flow of a file in our office. It can be a slow process to get things moving but we have to make sure all the bases are covered so you sleep easy at night and know that we are on top of it!

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