

Lunch Call: How to Close (Almost) Any Claim in 90 Days

The best claim is a closed claim: How do you accomplish this quickly?

Be pro-active early in the claim

- Early action is more likely to lead to quick resolution
 - Happy employee = less likely to be litigious, more likely to return to work
 - Ask employer to speak with the claimant as soon as possible about what is going to happen
 - Schedule the claimant with the doctor as soon as possible
 - Assign a nurse – this will assist not only with scheduling appointments, but the claimant is less likely to get frustrated with the process
 - Make it clear that light duty is available (if it is)
 - Get the claimant back to work as soon as possible
 - Don't be afraid to send the claimant to a specialist early on if it can rule out a more serious issue
 - Approve physical therapy quickly (physical therapists are able to spend more time with claimants and therefore claimants are less likely to feel their issues are not be addressed)
 - If claimant is dissatisfied with medical treatment, ask if they want to pick another doctor on the panel if this option is available to them
- Revisit claim at least every 30 days to make sure claim is on track
- Controvert accepted claims within 81 days if questions about accident persist

Once claimant is on TTD and/or if resolution does not appear imminent

- Use the 240a even if the employer cannot offer the job.
 - A copy has to be sent to the claimant so even the potential for a job offer gives you leverage and may motivate the claimant to expedite settlement if that is the direction the claim is going
 - When the doctor has the claimant disabled for no apparent good reason
- Communication with ATP
 - Regarding light duty, regarding any pre-existing issues, etc.
 - Request doctor commit in writing as to expected MMI
 - Hold ATP to what they said earlier if favorable or obtain IME to put pressure on if necessary
- PMT to ensure compliance with medical treatment
 - Attorney not needed



- More costs initially may mean savings later and sending a message to other “would-be” claimants

Pursuing expedited settlement

- If employer cannot offer light duty and/or the restrictions may be permanent and it does not look like the claim will resolve on its own within 60 days, expedited settlement may be appropriate
- Make an offer with a deadline
- Considerations when trying to reach expedited settlement
 - What do you want?
 - Fighting the claim or paying less to the claimant vs. quick settlement
 - Possibly paying more upfront to have a full and final settlement
 - What does the claimant want?
 - Additional medical treatment
 - To be heard
 - Moving on with their life
 - Family considerations
 - Finding another job
 - Take away the reasons not to settle
- General negotiating tips
 - Once you make an offer, you can usually figure out what the claimant really wants
 - Determine if you need a mediator – this can be helpful if the claimant has family considerations (family member is driving the claim versus the claimant) or needs to be listened to as a substitute for “their day in court”
- If your case is stuck and not moving, but the claimant is still treating regularly or the case is on a hearing calendar, consider doing any of the following:
 - IME
 - Doctor conference
 - Litigation
 - Is a particular body part compensable?
 - Is claimant back to baseline
 - Mediation on a specific issue
 - Medical issue or return to work issue does not require claimant’s agreement to mediate

I am happy to go over any claim with you to discuss strategy to quickly bring the claim to resolution. Feel free to call me at (404) 446-4481 or email jennifer.smith@atkinsdavid.com

