

**Law Offices Of
Bryan K. Marshall, LLC**

**(240) 547-5504
Bowie/Washington**

**Writer's E-mail:
bkm@lawmd.biz**

**Attorney At Law
14300 Gallant Fox Lane
Suite 103
Bowie, MD 20715**

**(443) 679-5376
Annapolis/Baltimore**

**(443) 679-5377
Facsimile**

www.lawmd.biz

Guideline for Contested Workers' Compensation Claims

Your claim has been contested by the Employer and Insurer (EI). This simply means that they do not believe that you have a compensable Workers' Compensation claim. This also means that no treatment will be authorized by the Insurer.

With the form that the EI uses to contest your claim, you can have your medical treatment paid by your health insurance. Just bring a copy of the Form C40 - Contesting Issues to each of your medical care providers, and that should be sufficient for them to bill your health insurance.

With regard to being paid, you should expect to need to use non-Workers' Compensation benefits including sick leave, personal leave, vacation leave or sick leave bank, if they are available. Assuming success in proving the claim, this leave will either be reimbursed, or the EI may have to pay you twice for the same time off. This depends upon whether you are a municipal or Board employee and whether there exists an employment contract.

At this time, the Workers' Compensation Commission (Commission) is in the process of scheduling a hearing for your claim. The first notice you will receive is entitled a "Notice of Issues Filed." This indicates that the Commission has received a party's request for a hearing.

Once this claim is scheduled for hearing, the Commission will issue a hearing notice. To all parties, including you and I separately. Once received, my office will set appointments to prepare you for your hearing. The first is scheduled approximately a month prior to the hearing date. The second, is a short telephone conference the day before for any last minute issues. While we should receive a notice of the hearing, occasionally we do not do to oversight on the Commission's part. If you do not receive my letter scheduling a hearing after a week has gone by since the hearing notice was issued, please contact my office to make sure that we did actually receive it.

It is very important that during this time before the hearing, that you keep us up to date on your treatment and continue to get updated disability slips from your doctors. If

you are treating with different doctors for different body parts, please get disability slips from each.

Working together, we can make the hearing successful.