

WARNING SIGNS: Should a claim be rejected?

Facing Layoff: It's not unusual for a worker who knows of an impending layoff to file an industrial insurance claim to secure funding during the layoff period.

Loner: Claimant is unpopular/struggles to get along with others.

Lawyering Up: Workers hiring attorneys shortly after filing an industrial insurance claim can indicate awareness of a claim's questionable nature or its potential challenges.

Delays in Filing Claim: Filing a claim long after the alleged injury occurred is a common indicator of a problematic claim.

History of Claims: Multiple past industrial insurance claims can be a significant red flag, suggesting familiarity with navigating the state's industrial insurance system.

Newly Employed: Claimant is not a regular or known employee and has no relationship with the employer.

Outside of Working Hours: Claims for injuries occurring during non-work hours need careful scrutiny.

Disgruntled Workers: Disgruntled workers, especially those recently disciplined or having pay disputes, may file claims as retaliation.

Parking Lot Claims: Claims occurring in parking lots may fall under specific exemptions employers should know about.

No Witnesses: The absence of witnesses or unavailable witnesses to the incident can complicate claim verification.

Inexperienced Claim Manager: Claims managed by inexperienced Department of Labor and Industries managers necessitate employers to take active roles in claim management.

Missing Reports: Claims filed without documented reports to the employer, despite the worker's assertion to the contrary.

Employment History: A spotty employment history might indicate long recovery periods from previous injuries, impacting future insurance costs.

Day of Injury: Injuries reported right after weekends or holidays deserve scrutiny for potential non-work-related causes.

Dangerous Hobbies: Knowledge of a worker's engagement in high-risk activities (e.g., snowboarding, hunting, and motorcycle riding) can be crucial in assessing the legitimacy of a claim.

Health Insurance: Lack of employer health insurance may motivate workers to file industrial claims for medical coverage.

Injury Creep: Ambiguities in how the injury occurred can sometimes lead to shifting the claim from an injury to a disease, potentially transferring liability.

WARNING SIGNS: Should a claim be allowed as an occupational disease or aggravation of a prior claim?

An occupational disease claim provides worker with the same benefits but possibly at significantly less (or no cost to the employer).

No Severe Event: Claimant has worked in the same occupation for years

Degenerative Conditions: Come on, over time. Work is a contributing factor, but only the only factor.

Pre-existing Conditions: Known pre-existing conditions in the same body area can significantly reduce claim costs and insurance premiums.

WARNING SIGNS: Barriers to limiting conditions and moving toward claim closure

Story Changes: Inconsistencies in the injury narrative often raise serious questions about the claim's validity or the allowance of additional conditions.

Criminal Convictions: A history of felony convictions may increase the likelihood of fraudulent claims.

Condition Creep: Adding new symptoms over time, known as "condition creep," should be addressed to stop or reduce claim costs.

Condition Improved: Activities that suggest a worker's condition has improved despite reports to their providers to the contrary, can favorably impact the management of the claim.

Substance Abuse: A history of substance abuse can complicate the management of their treatment and return to work.

Emergency Room Visits: Frequent emergency room visits for pain medication can indicate problematic patterns needing careful monitoring.

Claimant Hard to Reach: Difficulty contacting a claimant post-injury can make claim management difficult and maybe a red flag for claim avoidance.

Health History: Dishonesty about health history can complicate understanding what conditions should and should not be allowed.

Claimant Appeals Decision: When a claimant hires an attorney to appeal a decision favorable to the employer, the employer should consider legal representation to safeguard against escalating costs and/or negative outcomes.

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