



### 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.

1

**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.

2

**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.

**Brian Padgett, Managing Attorney**

425-644-6142

[www.employersolutionslaw.com](http://www.employersolutionslaw.com)



**PROACTIVE  
Legal Solutions  
FOR EMPLOYERS**