

California Worker's Compensation Investigations
Why and How Do We Do Them?

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Why?

Title 8 California Code of Regulations § 10109

(a) To comply with the time requirements of the Labor Code and the Administrative Director's regulations, a claims administrator must conduct a reasonable and timely investigation upon receiving notice or knowledge of an injury or claim for a workers' compensation benefit.

How Do We Do Them?

"Investigate."

"The general thinking: the Labor Code's specific provisions and rules allowing depositions (Labor Code Section 5710), mandatory service of medical reports (Title 8, Cal. Code. of Regulations, section 10608), along with the ability to subpoena witnesses and documents (Labor Code Section 130), was (and is) adequate for purposes of discovery in a workers' compensation case."

California: A "New" Discovery Tool Available to the Defense Bar?
10-13-2017 | 01:56 PM Author: LexisNexis Workers' Comp Law
Newsroom Staff

“Discovery.”

Hardesty v. McCord & Holdren, Inc. and Industrial Indem. Co. (1976) 41
Cal. Comp. Cases 111 (Appeals Board panel opinion)

“a set of rules relating to discovery which would permit a paper war of interrogatories and require frequent pre-trial appearances by counsel to argue discovery motions would be inconsistent with that constitutional mandate.”

The PKNW Step-Process:

Step One:

Know the LITIGATION STATUS. Is this an accepted, denied or delayed workers' compensation case?

Step Two:

Know the LEGAL ISSUES:

VENUE:

BENEFITS PROVIDED OR AT ISSUE:

TD:	RATE	PERIOD
PD:	RATE	PERIOD
TPD:	RATE	PERIOD

SUPPLEMENTAL JOB DISPLACEMENT BENEFIT EXPOSURE

WHAT IS BEING CLAIMED?

Step Three:

What are or will be the LEGAL ISSUES

INJURY AOE/COE:

EMPLOYMENT:

OCCUPATION:

COVERAGE:

EARNINGS:

TD:

PD:

APPORTIONMENT:

SELF-PROCURED MEDICAL:

FUTURE MEDICAL:

STATUTE OF LIMITATIONS:

JURISDICTION:

DEPENDENCY:

ADMISSIBILITY OF REPORTS:

LIENS:

SJDB's:

S&W/132(A):

OTHER:

Step Four

"All we want are the facts..." -Joe Friday, Dragnet

Call or contact non-represented witnesses:

1. Applicant;

2. Employer
 - a. Supervisor
 - b. Co-workers
 - c. Owners
 - d. ?

Ask them "the basics:"

1. Who?
2. What?
3. Where?
4. When?
5. Why?
6. How?
7. Do you have any documents?
 - a. What are they?
 - b. Where are they?
 - c. Can you provide them to me?
 - d. How can I get them?
8. Is there anything else you can tell me?
9. Detailed questions and answers to specific issues in the claim.

Step Five

Document (document, document).