

Worker's Compensation
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Worker's Compensation Insurance Letter

INS #	511
Date	April 14, 2016
Program	Claims Management
Type	New Rules
Replaces	None

To: Claims Handling Offices for Insurance Carriers, Self Insured Employers and Attorneys Representing Parties in WC Disputes
From: BJ Dernbach, Division Administrator
Subject: New Procedures for the Certification of Readiness

Purpose: To inform claims offices and attorneys representing parties in worker's compensation disputes of the changes to the Certification of Readiness (COR) process and form (WKC-17717-DHA-E) effective May 1, 2016.

Background: The COR process was enacted to assist in the scheduling of hearings. Under 2015 Wisconsin Act 55, hearings were transferred from the Worker's Compensation Division to the Department of Administration, Division of Hearings and Appeals, Office of Worker's Compensation Hearings (OWCH). With the transfer, updates have been made to the COR filing procedures. The new process will not change the manner in which hearings are scheduled.

Effective with Hearing Applications filed on or after May 1, 2016, OWCH will send three guide letters to the attorney for the applicant allowing a total of 21 months to file the COR from the date that OWCH served the Hearing Application. OWCH will send guide letter GL123 ninety days after service of the Hearing Application. Guide letter GL18C will be sent six months after the date of the first guide letter; and the final guide letter, GL18D, will be sent six months after the second guide letter. If the COR is not filed within six months of the final guide letter, GL18D, an administrative law judge will review the file and may dismiss the Hearing Application without prejudice or allow an extension of time for filing the COR. As before, the respondents will have the opportunity to object to the COR.

In addition, when the COR is filed with the Hearing Application, OWCH *will not* schedule a hearing for at least 60 days. Also, the COR cannot be used to amend the Hearing Application. OWCH will accept CORs filed on the old forms until September 1, 2016. The new COR form is available on the website at <https://dwd.wisconsin.gov/wc/about-us/formsorder.htm>.

OWCH does not require the COR from unrepresented applicants, nor is it required when the request for hearing involves: unreasonable refusal to rehire, increased compensation for safety violation, bad faith, late payment, petition to reopen compromise, wage only, or disfigurement. If these issues are not included on the original Hearing Application, an amended or new Hearing Application will be required so that OWCH can serve the proper parties.

Action Requested: This letter is informational and advisory.

Inquiries: Please contact the Department at (608) 266-1340 with questions regarding this change.

Enclosure: None

References: None