

Workers' Compensation Claims Hearings with ICA

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ICA Hearings for Workers' Compensation Claims

Once a hearing has been timely requested in a Workers' compensation matter, it is then referred to an Administrative Law Judge (ALJ) who will set a hearing about 3 to 4 months after the request is filed. Additional hearings may be held after the first hearing, especially where it is necessary to take testimony of medical professionals.

All hearings may include in person testimony from doctors and other experts or laymen witnesses in a similar manner to local civil rules of litigation. The "parties," to a workers' compensation matter include, the injured party AKA the claimant or applicant, the employer and/or insurance company for the employer AKA the carrier. The employer or carrier will be represented by an attorney. It is strongly advised that you should be too. An administrative law judge who is employed by the ICA, will preside over the matter. He or she will rule on all matters during the case like any judge. There are no juries in worker's compensation cases in Arizona.

HEARINGS

After a Request for Hearing is filed and before the first hearing occurs the Rules of Procedure before the ICA provide for "discovery," which involves, "interrogatories" of the parties and "depositions" of parties or witnesses who may have information about the subject of litigation. Depositions are formal question and answer sessions where a lawyer (or a party if unrepresented by a lawyer) asks questions of the other party or a witness after the person is placed under oath. A court reporter notes what is stated for an official record. Discovery is the way the lawyers or parties learn what the other side's legal and factual position is before the hearing and this procedure has many strict deadlines and time limits. The deadlines are explained in the Rules of Procedure of the ICA. In most proceedings, discovery must be started at least 40 days prior to the first scheduled hearing. If a claimant does not respond to interrogatories or appear at depositions he/she can be penalized or their claim may be dismissed. Not having knowledge of the law and its processes is not an excuse the ALJ will entertain. Even if a claimant does not have an attorney, he or she is still responsible for knowing all time limits and deadlines.

Some important deadlines include, include submission of medical reports or medical evidence at least 25 days before the first scheduled hearing, requesting the ALJ issue

subpoenas for medical witnesses at least 20 days before the first scheduled hearing; and requesting that the ALJ issue subpoenas for “lay” or non-medical witnesses at least 10 working days before the first scheduled hearing. These are just a few of the many deadlines.

In a Workers’ Comp matter a claimant must attend all hearings unless given judicial permission not to appear. Failure to appear is cause for penalties or sanctions to be doled out or dismissal. An attorney will handle all deadlines in a timely manner provided they are retained early enough and receive the full cooperation of the claimant.

Once all hearings are completed, the ALJ should issue an award within 30 days. This may be subject to an review, but must be requested within 30 days after the ruling. The same ALJ will then review the evidence in the file and any legal arguments made with the Request for Review or the response to that request and issue a Decision on Review about 30 to 60 days thereafter. The decision on review may affirm the original Award, modify, or reverse the Award. Any dissatisfied party may then appeal to the Court of Appeals of Arizona, or even to the Supreme Court of Arizona.