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Take control of your workers' compensation claims

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Employers have the right to oversee the handling of workers' compensation claims by their insurers. As an insured, you need to exert control over the claims process to be sure that claims are handled fairly and efficiently. After all, it is your money and reputation.

A complaint we often hear from our clients is that an adjuster has requested authority to settle a claim out of nowhere. The adjuster tells them that if they do not authorize settlement, they will have no choice but to increase the reserves. Since increased reserves lead to increased premiums, the insured feels pressured into settling the claim.

One time, we were brought into a claim where the adjuster had called seeking authority to settle a claim for \$75,000. The adjuster claimed that the employee was scheduled for an abdominal surgery and although they thought it was unrelated, by the time it went through the "system" it would cost too much money and the insured should just settle now. Of course if the insured didn't agree to settle, the adjuster threatened to raise the reserves to just over \$230,000. We pushed for a medical examination that evidenced the current medical condition was unrelated to the original disability and filed for a discontinuance of the claimants benefits. After receiving the medical report, the adjuster was able to request a hearing for a discontinuance of benefits, and was in a much better position to negotiate the settlement. The claim was settled for \$10,000.

Based on feedback from your adjuster it may appear that they are doing all they can to control your claims, but the "system" is against them. In reality, the workers' compensation laws of most states provide numerous tools for employers and their insurers to ensure claims are handled fairly. The secret is having the knowledge and the incentive to aggressively utilize these tools. Since these rules are complicated, many of our clients rely on our expertise to assist them in managing their claims effectively.

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