FLAHIVE, OGDEN & LATSON

ADVISORY NO. 3

F O & L PROVISIONAL CHECKLIST

TEMPORARY INCOME BENEFITS

Yes/No Action/Date		Action/Inquiry
_____		1. Date of injury.
_____		2. Date of written notification-should date stamp.
_____		3. Is is clearly not compensable - if so, go to number 6.
_____		4. Is is clearly not compensable -
	_____	(a) Determine all defenses upon which you may rely for notice of refusal
	_____	(b) Complete investigation documenting basis for notice of refusal. (124.6(c))
	_____	(c) File notice of refusal within seven days of date in 2 above. (124.6) (Sec. 5.21, TWCC 21) (Sec. 5.21(b) requires that carrier notify employee of right to request Benefit Review Conference and means to contact TWCC)
	_____	(d) If it is more than seven days but less than fourteen, pay benefits until you file notice of refusal. (See Step 5)
_____		5. Is the claim questionable - if so,
	_____	(a) Complete step 4 within seven days, or
	_____	(b) If employee loses more than seven days, start benefits within fourteen days of date in 2 above, and
	_____	(c) File notice of payment of compensation (TWCC 21)
	_____	(d) Request Benefit Review Conference (TWCC 45)

    _____   (e) Investigate as soon as possible

    _____   (f) Request MEO (TWCC 22)

    _____   (g) Put on diary to follow up for BRC

    _____   (h) If TIB started, diary for completing ntice of refusal setting forth all potential defenses within sixty days of date in 2 above.

    _____   (i) Notify employer - do they want to contest liability, if so, employer should file (TWCC 4)

    _____   6.   Pay benefits within 14 days

          _____ (a) Determine average weekly wage

                  (1) Start compensation based upon the last paycheck before injury as presumed average wage.

          _____   (2) Request wage statement. (TWCC 3)

          _____   (3) Diary for wage statement. If not received within 30 days, notify TWCC (124.3)

    _____   (4) Has employer continued the payment of intanglible benefits - do not include intangible benefits continued by employer in calculating average weekly wage.

          _____ (b) File notice of payment of compensation within 10 days (124.2) (TWCC 21)

                (c) Diary for follow up.

    _____   7. If employee earned less than $8.50 per hour, determine employee's earnings in year preceding injury for purpose of calculating cap on TIB. (Sec. 4.23d) (129.2)