

**ADVISORY NO. 198**

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**TOPIC: PROOF OF FILING OF NOTICE OF REFUSAL**

You are reminded that even when you timely complete a Notice of Refusal raising a defense to a workers' compensation claim, upon challenge by a claimant, you must nevertheless prove that the refusal was timely filed with the Commission. If you do not obtain a file-stamped copy, you may not be able to prove that the TWCC-21 was actually filed within the statutory seven-day and sixty-day deadlines.

If you simply mail a single copy of a TWCC-21 to our office, we will file it with the other TWCC-21s that we file on a daily basis. These are extremely sensitive documents and we treat them with the utmost care. Every TWCC-21 received by us is filed no later than the following day that it is received. When a rush filing is required, upon notification of the need for immediate filing, we file it the same day of receipt (it is extremely important to provide these rush documents as early in the business day as possible). We do not log these. We do not establish a file or keep any other independent record of these routine filings, nor do we submit an independent charge for our handling.

We do, however, return file-stamped copies of TWCC-21s when we receive a duplicate with the original in the mail. This is an automatic notice to us that you want documented proof of a filing. If you prefer, fax the TWCC-21 to the attention of Louise Tate at (512) 477-4996. TWCC-21s received by fax, will be copied by our office. Mailed duplicates and copies of faxes, will be filed stamped on the date the "original" is filed, and the file-stamped copy will be returned to you in your batched mail. You must diary your file for the return of the file-stamped copy. If you do not receive it within the week, you should inquire. You will receive the return of these quite promptly, and your file will be documented in the event an issue should later arise.

All faxed TWCC-21s to be filed with the Commission and for which you want a copied proof of filing, must be faxed to Louise Tate at the above fax number.