

ADVISORY NO. 234

TOPIC: SIBs Initial Determination: a bump in the road

The initial determination letter was recently automated by the Commission. It is now generated out of Austin. When sent to the Carrier, it will not have a TWCC-52 or anything else attached. Without the attached information, it is difficult to complete an investigation and independently determine entitlement. Carriers have been calling us daily on how to respond.

The Commission advises us that field offices have been instructed to immediately fax the TWCC-52 and supporting documentation to the Carrier upon telephone request. The problem has been lack of response by the Field Office. The customer service representative or dispute resolution officer doesn't always return the call promptly. When the field office does not immediately respond, the 10-day response time becomes even shorter and more difficult to meet.

When you encounter this problem, you should request a copy of the claimant's TWCC-52 and supporting documentation (if any) from the Field Office managing the claim. Simultaneously, you should request a copy of the TWCC-52 from the Claimant. Both requests may be made by telephone. Follow the request on a tight diary. If no TWCC-52 and supporting documentation is received, you may challenge the claimant's initial entitlement to SIBs in the manner outlined in Rule 130.108 (a) and (b).

FO&L will file your TWCC-45 contesting the Commission's initial determination of entitlement to SIBs for you and obtain a file-marked copy of the TWCC-45 upon request. The Commission has recently confirmed that a TWCC-45 filed in the Central Office is sufficient to preserve your right to dispute the initial determination of entitlement. Texas Workers' Compensation Commission Appeal No. 971818; QRL 97-92, dated 8/6/97.