

**ADVISORY NO. 331**  
**###**

**TOPIC:       DOWNS UPDATE**

TWCC has posted a formal advisory in response to the *Downs* case. They have reiterated their prior advisory that they will not apply *Downs* until a Motion for Rehearing is finally determined by the Supreme Court. They will accept *Downs* Notices by hard copy, or by email addressed to “cert21@twcc.state.tx.us.”

In our prior FOL Advisory No. 329, we pointed out that filing a “*Downs* Notice” preserves our right to later deny the claim within sixty days only if benefits are timely initiated. Remember that there is no waiting period in death cases. Furthermore, if your first written notice of injury occurs after the eighth day of compensable lost time, benefits will accrue during the first seven days. In both cases, payment must be issued by the eighth day.