



ADVISORY NO. 476

TOPIC: REQUESTS FOR BENEFIT REVIEW CONFERENCE – 15 PAGE LIMIT

Rule 141.1(a) provides that prior to requesting a Benefit Review Conference (BRC); a disputing party must notify the other party or parties of the nature of the dispute and attempt to resolve the dispute. If the parties are unable to resolve the dispute, then a party may request a BRC. To request a BRC, the requesting party shall complete a DWC Form-45 in the form and manner required and the request shall (1) identify and describe the disputed issue or issues; (2) provide details and supporting documentation of efforts made by the requesting party to resolve the disputed issues; (3) contain a signature by the requesting party with an attestation; and (4) be sent to the Division and the opposing party or parties.

When submitting a DWC-45 to the Division, the only documents that should be attached to the DWC-45 filing are documents that are either (1) supporting documentation and a description of all efforts made by the carrier to resolve the disputed issue(s), and (2) information describing the disputed issue (if the information is beyond that which will fit within box #18).

Some carriers are attaching their BRC exchange material to the DWC-45s that they are submitting to the Division. **DO NOT ATTACH** the BRC exchange material to your DWC-45 that is filed with the Division. Rule 141.4(c) provides that all pertinent information not previously exchanged in the possession of the party requesting a BRC must be sent to the opposing party or parties *before* the time the request for a BRC is sent to the Division. Rule 141.4(e) provides that not later than 14 days before the BRC, or not later than 5 days before an expedited BRC, all pertinent information in the parties' possession not previously sent to the Division shall be sent to the Division. Both of those exchange provisions found in Rule 141.4 are distinctly different than the details and supporting documentation that are to be submitted with the DWC Form-45 as found in Rule 141.1(d)(2).

When filing a DWC Form-45 to request the setting of a BRC, Rule 141.1(d)(2) provides that the request shall provide details and the supporting documentation of efforts made by the requesting party to resolve the disputed issues, including but not limited to, copies of the notification provided in accordance with subsection (a) of this section, correspondence, e-mails, facsimiles, records of telephone contacts, or summaries of meetings or telephone conversations. Rule 141.1(d)(2) goes on to state that the requestor of the BRC should **not** include all attachments of

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pertinent information exchanged with the opposing party or parties as required by Rule 141.4 as described above.

The Division has advised FO&L that there is now a 15-page limit for BRC requests submitted to the Division. Therefore, FO&L recommends that when carriers submit a request to the Division for a BRC by filing a DWC Form-45, the carrier should closely follow Rule 141.1 and it should attach only the supporting documentation that identifies the efforts made by the requesting party to resolve the disputed issues, including but not limited to, copies of the notification provided in accordance with subsection (a) of this section, correspondence, e-mails, facsimiles, records of telephone contacts, or summaries of meetings or telephone conversations. When submitting a request for a BRC to the Division, do not attach to the carrier's DWC Form-45 the BRC exchange documentation that is required to be exchanged pursuant to Rule 141.4.

Should you have questions about this Advisory, please contact James Sheffield (512-435-2169 – jrs@fol.com), or Bobby Stokes (512-435-2150 – rds@fol.com).