



ADVISORY NO. 521

TOPIC: DIVISION DELAYS TRANSMISSION OF ATTORNEY FEE ORDERS

On February 7th and 9, 2022, the Division distributed over 300 attorney fee orders to Austin Representative Box 19. The orders were all dated January 5, 2022. FO&L has forwarded those attorney fee orders to the carriers.

The Division has acknowledged the situation and noted that it had experienced technical issues last month. For the past 15 months, agency distribution of orders and other documents has been inconsistent.

An attorney's fee for representing an injured employee becomes a lien against any unpaid income benefits once the carrier receives the agency's order approving the fee and the carrier must begin payment by mailing a check to the attorney within seven days after receiving the order and thereafter whenever benefits are paid until the lien is exhausted.

The deemed date of receipt of such order is the date that it was electronically transmitted by the agency to the carrier and the date on the order does not trigger any conclusion about the deemed date of receipt.

Nevertheless, we are hearing that some attorneys representing injured employees are threatening administrative violations. As long as the payment has been paid as just outlined, any referral would be frivolous.

If you have any questions, please contact James R. Sheffield, III at (512) 435-2169 or at jrs@fol.com or Roy J. Leatherberry IV at (512) 435-2179 or at rjl@fol.com.