

Judicial Review

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Information for Injured Workers from the Division of Workers' Compensation

Workers' compensation is a state-regulated insurance program that pays your medical bills and replaces a portion of your lost wages if you have a work-related injury or illness and your employer has workers' compensation insurance under the Texas Workers' Compensation Act.

If a dispute arises about your injury, the first thing you should do is call the insurance carrier and discuss your problem(s) with your adjuster. If you cannot resolve the dispute or if you are unable to talk with your adjuster, you may contact the Texas Department of Insurance, Division of Workers' Compensation for assistance.



Customer service employees can:

- explain your rights and responsibilities;
- help you complete required forms;
- explain the dispute resolution process;
- explain how to gather facts and evidence to support your side of the dispute;
- explain the deadlines for requesting the next level of dispute resolution or for responding to requests for documents; and
- help you attempt to resolve disputes informally.

If you are unable to resolve the dispute, you may request dispute resolution through the Division. You may be required to attend one or more dispute resolution proceeding held at the local Division office. Once a Benefit Review Conference is scheduled, an Ombudsman can help you if you do not have an attorney or other representative to present your side of the dispute.

What is Dispute Resolution?

There are several steps in the dispute resolution process in a workers' compensation claim:

- Benefit Review Conference
- Arbitration or Contested Case Hearing
- Appeals Panel
- Judicial Review

This publication is a summary and is presented for informational purposes only. It is not a substitute for the statute and Division rules. For questions about Division rules, please call Customer Assistance at 1-800-252-7031. CS05-015D(11-06)

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[Sections 410.251 – 410.258, Rules 147.1 – 147.11]

An injured worker or other parties may appeal the Appeals Panel decision to district court. However, workers' compensation claim disputes may not be heard in court unless the dispute has first gone through the Division's dispute resolution process and the Appeals Panel has issued a decision. If the insurance carrier appeals to district court, it is important for the injured worker to respond to the court as well, if you wish to protect your workers' compensation benefits.

Judicial Proceedings

You must attend any judicial proceeding related to a dispute about your claim, even if you did not request the proceeding. If you do not attend, the proceeding may be held without you present to give your side of the dispute.

Attorney Representation

Any party dissatisfied with the final decision of the appeals panel may seek judicial review by timely filing a lawsuit in court against the opposing party. A lawsuit must be filed within 40 days of the date stamp date on the front of the appeals panel decision and must be filed in an appropriate court in: (1) the county where the injured worker resided at the time of the injury; or (2) in the case of an occupational disease, in the county where the injured worker resided on the date disability began. In most counties the lawsuit should be filed in the State District Court, but the County Clerk's Office in the appropriate county should have information on this.

Division Ombudsmen cannot represent a party in a lawsuit. There are filing requirements that must be met to effectively file or defend a case in court. You may hire an attorney to represent you for your claim. For assistance in obtaining an attorney to represent you, you may contact the State Bar at www.texasbar.com or by telephone at 1-800-252-9690.

For further assistance, call

1-800-252-7031

or visit

www.tdi.state.tx.us