



Sometimes,
even in the best of
circumstances,
problems come up in a
workers' compensation
claim that cannot be
easily resolved.

When that happens,
the Office of Injured
Employee Counsel
has Ombudsmen
ready and able to
assist you during those
circumstances.

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Local Field Offices exist throughout
the State of Texas and are staffed to assist you.



The statutory authority for the
Office of Injured Employee Counsel
is found in the Texas Labor Code, Chapter 404.

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**OFFICE OF
INJURED EMPLOYEE
COUNSEL**

**OMBUDSMAN
PROGRAM**



What is an Ombudsman?

An Ombudsman is an Office of Injured Employee Counsel employee who has a workers' compensation adjuster's license. The Ombudsman assists unrepresented injured employees when there is a problem or dispute in their workers' compensation claims that cannot be easily resolved.

Your Ombudsman is there to work on your behalf and in your best interests. Each Ombudsman has completed a comprehensive training program specifically designed to give them the knowledge and experience to assist you with your dispute.

How can my Ombudsman help me?

There are many ways that your Ombudsman can assist you with your workers' compensation claim.

There is no cost for assistance from the Office of Injured Employee Counsel.



Ombudsmen can:

- Communicate with your employer, insurance carrier, and doctor;
- Gather information and documentation to try to resolve the dispute in your claim;
- Provide you with information that may help you make decisions;
- Give you information about the Division of Workers' Compensation hearing process;
- Prepare you for hearings and attend them with you;
- Explain options for early return to work; and
- Refer you to social and financial services if appropriate.

How can I contact my Ombudsman?

If you have a dispute in your claim that cannot be easily resolved, an Ombudsman will be personally assigned to you. If you need to contact your assigned Ombudsman, you can call or visit the local workers' compensation field office handling your claim. Office of Injured Employee Counsel local field offices are co-located with the Division of Workers' Compensation.

The Income Benefits Hearings Process

Many times the Ombudsman is able to help you resolve a dispute that has come up while following your claim. However, if the dispute cannot be resolved then your claim might go through one or more steps in the Division of Workers' Compensation's hearings process:

Benefit Review Conference (BRC): An informal in-person meeting between the parties. The purpose is to discuss and mediate disputed issues in an attempt to resolve them. No more than two Benefit Review Conferences can be held on each disputed issue.

Contested Case Hearing (CCH): More formal than a Benefit Review Conference, it is presided over by a Division of Workers' Compensation Hearing Officer. The decision resolves the disputed issues and may become the final decision of the Division of Workers' Compensation.

Appeals Panel Review: A three-judge panel reviews the evidence submitted during the Contested Case Hearing. There are three possible outcomes when an appeal is filed: (1) the decision of the Hearing Officer could become final because the Appeals Panel found no error in the decision; (2) the decision could be reversed and remanded for a second hearing with the same Hearing Officer; or (3) the Appeals Panel could reverse the Hearing Officer's decision and enter a different decision. If the Hearing Officer's decision is not timely appealed, it becomes the final decision of the Division of Workers' Compensation.

Judicial Review: If you are not satisfied with the final decision of the Division of Workers' Compensation, you may appeal the decision to the district court or the county court-at-law in the county where you live. The petition must be filed not later than the 40th day after the date on which one of the following is filed with the Division of Workers' Compensation: (1) the decision of Appeals Panel, or (2) the notice that the Hearing Officer's decision is final. The Office of Injured Employee Counsel is not able to help you at this level. You will likely need to hire an attorney or choose to represent yourself at this stage of the process.