

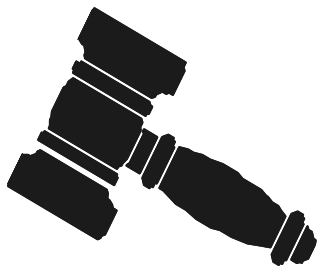
# Benefit Review Conference

**DR**

## 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 claim, 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 proceedings 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:

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. CS05-013D(11-06)

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

### Benefit Review Conference (BRC)

[Section 410.021 - 410.034, Rule 141.1 – 141.7]

The benefit review conference (BRC) is an informal meeting held at the local Division office. At the BRC you will meet with someone from the insurance company to discuss the disputed issues in front of a Benefit Review Officer, who is a Division employee. During a BRC, you and the insurance carrier will discuss all information in an attempt to resolve your dispute. If the dispute is resolved, an agreement may be written and signed by you and the insurance carrier. If an agreement cannot be reached at the BRC, you may be required to attend a formal contested case hearing where the Hearing Officer will make a decision on the disputed issues.

Before you attend a BRC or a contested case hearing, the Office of Injured Employee Counsel (OIEC) can provide you with an Ombudsman. An Ombudsman is a specially trained OIEC employee who can assist you before and during any conference or hearing you attend. Please review the Ombudsman Assistance section for more information.

### Arbitration

[Sections 410.101 – 410.121, Rules 144.1 – 144.6]

If the dispute was not resolved at the benefit review conference, the injured worker and other parties to the dispute may agree to resolve the dispute through arbitration instead of proceeding to a contested case hearing. The purpose of arbitration is to have an independent arbitrator hear both sides of a dispute and make a decision which is binding to all parties.

For further assistance, call  
1-800-252-7031  
or visit  
[www.tdi.state.tx.us](http://www.tdi.state.tx.us)

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If arbitration is chosen, the Division will randomly assign a certified arbitrator to the dispute. The injured worker and other parties may reject an arbitrator selected by the Division. Each party is allowed only one rejection of the assigned arbitrator. **The decision of the arbitrator is final and cannot be appealed.**

## Attending Proceedings

You must attend any dispute resolution 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. In addition, you may be fined if you do not attend a scheduled dispute resolution proceeding.

## Ombudsman Assistance

An Ombudsman is a specially trained employee of the Office of Injured Employee Counsel (OIEC) who can assist you free of charge if you have a dispute related to your claim. You may ask for help from an Ombudsman if you have not hired an attorney to represent you and you do not have any other type of representation. Ombudsmen may not give you legal advice, make any decisions for you or sign agreements or forms.

An OIEC Ombudsman can help you with a dispute resolution proceeding by:

- giving you information to help you make decisions;
- communicating with employers, insurance companies, and health care providers on your behalf;
- explaining how to gather and prepare facts and evidence for dispute resolution proceedings;
- helping you present your facts and evidence at dispute resolution proceedings;
- helping you ask questions of witnesses and raise questions about evidence at dispute resolution proceedings; and
- giving you information about how to appeal a dispute resolution decision.

You may request Ombudsman assistance by calling 1-866-EZE-OIEC (1-866-393-6432). For more information on Ombudsman assistance see <http://www.oiec.state.tx.us/topics/ombudsman.html>.

## Attorney Representation

You may hire an attorney to represent you for your claim. An attorney may attend dispute resolution proceedings with you and present any evidence that supports your side of the dispute.

If you hire an attorney, the attorney's fees will be deducted from your income benefit payments as ordered by the Division. The attorney's fees are limited to no more than 25 percent of the total amount of your income benefits, and payments may not exceed 25 percent of any one income benefit check.

An attorney may charge up to a maximum of \$150 per hour, plus expenses, for work performed on your workers' compensation claim. If you dismiss your attorney for any reason, the fees that have been ordered by the Division will continue to be deducted from your income benefit check until all ordered fees have been paid.

You may contact the State Bar of Texas for assistance in obtaining an attorney to represent you at [www.texasbar.com](http://www.texasbar.com) or by phone at 1-800-252-9690.