

MEMO

TO: All Attorneys
FROM: Craig Henderson, Settlement Division, SBWC
DATE: February 1, 2007
RE: Stipulation and Agreement Processing

In an effort to continue to provide an excellent level of service to all attorneys, claimants, employers and insurers, as well as to focus on customer service through the efficient, streamlined examination and processing of stipulations and agreements, the following information and requests are presented.

1. The Settlement Division is adopting a more vigorous return/disapproval policy. A substantial number of stips are currently being sent to the Board that are incomplete. The examiners have been holding these stips, waiting for the additional or corrective documentation to be provided. These holds have extended weeks and sometimes months. These incomplete stips crowd the examiners' queues and slow down the approval process. Therefore, I have asked the examiners to discontinue the practice of "holding" stips. As of February 15, 2007, it will be Division policy to disapprove and return an incomplete or otherwise undocumented stip. The individual examiner has the discretion to call and request that a missing document be provided by fax, but I have specifically asked that they hold for the document no more than 48 hours. After the stip has been rejected and returned, ideally the appropriate corrections can be made and it can be resubmitted. My goal is to substantially lessen the number of days it takes to approve a properly crafted stip. As our turnaround time diminishes, the incentive for attorneys to properly complete stips should be self-evident.
2. Please include the Board ICMS number on the first page of the stipulation and agreement.
3. Please limit the date(s) of accident on the front page of the stip to dates of accident for which a WC-1 or WC-14 has been filed. Any additional dates can be listed in the body of the stip agreement. Having to address the stip for more times than there may actually be claims for greatly slows the processing time.
4. Please provide complete documentation regarding resolution of liens, such as child support or attorneys' liens. We will approve a stip with an outstanding fee lien, if the fee is to be held in escrow by the employer/insurer pending resolution of that lien. Child support liens must be expressly resolved prior to stip approval.
5. Please document the stip with appropriate and current medical information, as well as the timely filed Board forms, such as the WC-1 and WC-4. Simply put, the examiner needs adequate documentation to give him or her a basis for approving the stip. If the documentation is not present or is inadequate to explain the current posture of the claim, I have asked the examiners to reject the stip.
6. Expenses are considered. Please itemize and be aware that we will apply a reasonableness standard. While there can be extraordinary expenses in a particular claim, they should be rare and explained in the itemization. We will not approve

the payment from the claimant's proceeds, of unreasonable, extraordinary expenses as part of a stip.

7. If administrative costs are itemized as a single expense, that cost to the claimant should be fifty (\$50.00) dollars or less. If legitimate administrative costs exist beyond that amount, they should be separately itemized.
8. Please do not put any indemnification or hold harmless language in a stip purporting to protect the employer/insurer from costs of litigation, or Medicare, or other liens.
9. Be prepared if a minor child or incapacitated adult needs guardianship to be established.
10. Please do not try to take fees based upon medical issues. Additionally, 25% is the attorney fee that is available by statute. This is cumulative, not 25% for each individual attorney and their respective lien(s).

I want to thank the workers' compensation bar in advance for the courtesy and cooperation I have come to expect from its members. If I can answer any questions, if you have any suggestions, or if I can be of any assistance, please do not hesitate to call. My telephone number is 404.651.5078.