

WORKERS'
COMPENSATION

CALIFORNIA
LAWYERS
ASSOCIATION

The WCJ Point Of View on All You Need to
Know IRL for 2024

May 23, 2024

Presentation by DWC Sacramento Judges:

Presiding Judge Noah Tempkin

Hon. Darcy Kosta

Hon. Eric Ledger

Disclaimer:

The following material and any opinions contained herein are solely those of the presenters and are not the positions of the Department of Industrial Relations, the Division of Workers' Compensation or any other entity or individual. The materials are intended to be a reference tool only and are not meant to be relied upon as legal advice.

POV
●
IRL

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IRL

- Facilitates more effective communication
- Builds relationships
- Increases engagement

DWC Update

- Use of Artificial Intelligence
- The State Budget

DWC Medical Unit Update

- Increase in physician appointments
- QME educational courses available online at DWC – Workers' Compensation Community Education

EAMS

- E-filing is best
- DWC webpage contains the Reference Guide and Instruction Manual for Electronic Filing E Form Filers



EAMS: E-filing is best

#1 Biggest Blunder: Incorrect birthdate

#2 Big Blunder: Misspelled names on settlements

#3 Blunder: Incorrect ADJ(s)



E-filing Batch Error

- Filing error may require DELETION of your e-filed batch by the UDAQ operator
 - E-Filer will receive an email from the UDAQ operator informing a Batch ID number (a filing) has been deleted
 - E-Filer must re-submit due to the errors
 - Do not try to paper file after e-filing
- ★ If the document is corrected within 15 business days, it shall be deemed filed on the original date the document was submitted. (Cal. Code of Regs., Title 8, § section 10205.7)

I can't see my case in EAMS

- Only your office administrator to contact the EAMS Control Unit
- Administrator may e-mail EAMSHelpDesk@dir.ca.gov or may also call 1-888-771-3267, select option #4
- The EAMS Help Desk hours are 7:00 a.m. – 6:00 p.m. Please note these hours.

TIP: send a screenshot of the error message to the EAMS Help Desk: when the error message is showing, press **ALT + PrtScn** to copy the message. Paste the copied error message into a Word document and attach to your email.

- If the EAMS Help Desk is unable to assist, the administrator may contact EFORMS@dir.ca.gov Do *not* contact the District Office for assistance.

Limitation of E-mails

Email is neither official (Cal. Code of Regs., Title 8, § section 10205.7) nor is it secure (DIR Data Security Policy 3-24-2022)

- *Not a filing*
- *Need not be acknowledged*
- *Accepted only at discretion of the judge*



How to trigger a task to a Judge

Priority: STIPS W/REQUEST FOR AWARD or COMPROMISE AND RELEASE

When responding to an OSA:

C&R/STIPS RESPONSE TO LETTER REQUESTING INFORMATION

For liens settlements and other settlements: PROPOSED ORDER/AWARD

 To avoid delay, avoid: TYPED OR WRITTEN LETTER

Step up your game when filing trial exhibits

- ✓ Use titles for standard documents: NOTICE OF PERMANENT DISABILITY; WAGE STATEMENT; DWC-1 CLAIM FORM, etc.
- ✓ Use correct title for medicals: P&S REPORT, QME, AME, TREATING PHYSICIAN (and avoid ALL MEDICAL REPORTS)
- ✓ No need to re-file a document that is already filed in EAMS
- ✓ Do not use TYPED OR WRITTEN LETTER to file an exhibit!

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It ain't over till it's over.

Getting your settlement to the finish line

Basis for OSA: Temporary Disability

1. A cogent wage statement maintained at the time the benefits were paid, if paid at less than the statutory maximum and calculations of the weekly temporary disability rate.
2. Medical reports bracketing the period(s) of TD (*not* every medical report in existence).

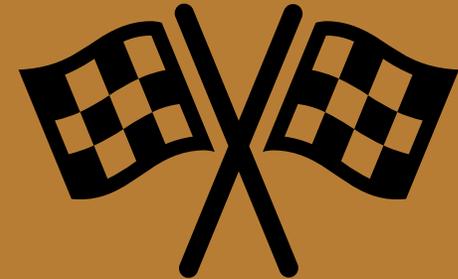
Basis for OSA: Permanent Disability

1. A medical report, most often a QME report or treating physician PR-4
2. If no QME report, Notice complying with Cal Code Regs., Title 8, section 9812, and advising the employee of the right to see a QME at the employer's expense
 - A QME waiver is something but may be rejected by the WCJ

Let us say it again.

Don't get stuck in the UDAQ

- E-file documents from your office
- Enter correct numbers (DOB, ADJ)
- Enter the name with the exact spelling



Walk-through Settlements (Board Rule 10789)

There is a prohibition against ex parte communication according to Rule 10410, however, 10410(c) permits ex parte communication for walk-through documents

Walk-through Hours: 8:00 a.m. to 11:00 a.m. and
1:00 p.m. to 4:00 p.m. on court days

Problematic walk-through requests

- Additional ADJ case number(s) are needed
- If testimony has been taken
- If an OSA has issued
- If a case is at the Recon Unit

More problems with walk-through requests

- If a walkthrough has already occurred
- Petitions to Compel actions other than attendance
- A large pile of supporting documents is presented to the

District Office



WCJ may accept walkthrough for *later* review and action per Rule 10789(e)

“ Seeing is believing

(for a lot of lawyers anyway)

DWC is open for business

We are IRL for Trials, including Expedited Hearings Monday to Friday, 8:30 to 5:00 p.m.

IRL for WCJ means

- ★ Clearer understanding of applicable law
- ★ Quicker meeting of the minds
- ★ Improves decorum



Remote Appearances

An Order is required per Rule 10745

Notices of Hearing will specify if a hearing is remote and provide call-in information

Objection to Remote Order per Rule 10815

1. In writing
2. Good cause
3. Subject to a hearing

Parties may request a Remote Order

1. In writing, i.e. by petition
2. Showing good cause
3. Filed in a timely fashion

Medical Basis for Remote Appearance

- COVID requirements are largely lifted
- Refrain from filing information about your medical condition in EAMS
- For Reasonable Accommodation requests, contact the DWC Disability Accommodation Coordinator at DWCADA@dir.ca.gov or at the local District Office
 - ✓ WCJ's do not consider ADA requests
 - ✓ Make any ADA requests well in advance of the hearing

“ Thank you for coming

