

Q&A

As Maryland's leader in workers' compensation insurance, Chesapeake Employers' professionals are here to help answer your questions. We also encourage you to contact your agent partner and to visit our website, www.ceiwc.com, for more frequently asked questions and answers.

Employers' Questions on a Contested Claim

What happens when one of my employees claims he was injured on the job but I have concerns?

Sometimes employers have concerns about the legitimacy of an accident that an employee insists happened at work. As with any work accident, you need to report this to Chesapeake Employers so an investigation by your claims adjuster can begin. Your concern may be related to the occurrence itself or to the injury/ies the employee says he sustained. There are many questions you can address:

- Did an accident really occur? Were there witnesses?
- Who did the employee first report the occurrence to and when? What exactly did he say occurred?
- Did the employee complete the Employee Report of Injury? Is it the same thing he told his supervisor?
- Did the supervisor complete an Accident Investigation Form?
- Did the witness complete the Accident Witness Statement?
- What exactly were the injured worker's complaints? What body part does the employee claim he injured?

Does the claim seem legitimate?

Does something seem fishy? If you learn of inconsistent statements about how the accident occurred and something just does not seem "right," then it is important to interview witnesses.

- Maybe the witness(es) says that nothing ever occurred.
- Maybe you hear that the injured employee is not really injured – that he claims he cannot work, yet a coworker saw him painting a house. Does the employee have a second job?

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- Maybe you or coworkers were aware that he had been having back pain for weeks before the alleged incident in which he claimed he injured his back.
- After you've gathered all the facts, our adjusters and attorneys will contact you to review the facts and prepare for a hearing.

Why go to a hearing?

If we believe, based on the information supplied by you and witnesses, that the claim is not compensable, we will raise issues so we can go to a hearing at the Workers' Compensation Commission (WCC) and contest the claim on your behalf. Your cooperation, and that of your employees, is crucial to the success of our defense. Our reason for contesting the claim is because we have doubt about whether an accident really occurred, how the accident occurred, or if the injuries he complains of are really related to the accident.

Why does the employer need to be at the hearing?

We will identify witnesses we may need at the hearing after we interview them. We will prepare them for their testimony at hearing. It is also possible we may need certain documents from you such as timesheets or work orders to know where the employee was working at the time he claims he was injured. Your assistance and cooperation are very important to the success of our defense. We rely on you for information to make sure we have the right witnesses and documents for the hearing. Any information you can share with us will help us better prepare for the case in an effort to get a denial of the claim. ■