

How to Dispute a Communicated Self-Insured TPA Action?

What is a Dispute Action? The self-insurer must communicate in writing on dept. templates to inform workers within 5 days of taking involving the following benefits:

Calculation of worker's monthly wage - Starting, stopping, or denying time-loss - Acceptance or denial of a contended condition - Authorization or denial of treatment - Assessment of underpayment or overpayment.

If the worker disagrees, write to the Dept. of Labor and Industries (L&I) within 60 days. Send to Self-Insured Claims: PO Box 44829, Olympia, WA 98504-4892. CC, your Third Party Administer (TPA).

The dispute of the TPA's action must be in writing on the above communicated decisions. If no dispute to TPA actions are received, the dept. will not intervene or adjudicate and will not issue an order which allows a worker to protest a decision.

- Exception: Statutory requirements for dept. allowance, denial or close certain claims.

How to Protest (reconsider) a Decision?

What is a Protest- (Reconsideration)? A protest (reconsideration) is a written letter stating you disagree with a decision on your workers' compensation claim. Workers, employers, and other interested parties have a right to file a Protest (reconsideration) with L&I. Generally a protest is done first before appealing a decision. Send the protest within 60 days from the receipt of the decision. The protest is reviewed and any new contentions or issues raised must be addressed. The order will be put in abeyance if more information is needed to complete the review. L&I will issue a new order affirming, reversing or modifying the original determination and include new protest and/or appeal rights.

Send a written protest to:

Department of Labor & Industries
P.O. Box 44291
Olympia WA 98504-4291

SI Claims-
P.O. Box 44829, Olympia WA 98504-4892

Include:

Your name and claim number (on every page)
Date of the department's decision
Reason you disagree
Doctor reports or other info supporting the belief a decision is wrong

Keep a copy. No response within 30 days after sending your protest, please contact your claim manager. If you don't protest or appeal within the 60-day period, the Dept.'s decision is final; meaning you can't protest or appeal the decision later on.

How to Appeal on Decision Order?

The Board of Industrial Insurance Appeals (BIIA) is a state agency that is independent from L&I. Workers, employers, and other interested parties have a right to file an appeal with the BIIA on L&I's workers' compensation claim decision(s). The written appeal must be sent within 60 Days of the date you receive L&I's decision. Do not file a protest with L&I if you send an appeal to the BIIA.

Send a written appeal to:

Board of Industrial Insurance Appeals
2430 Chandler Court SW
PO Box 42401 Olympia, WA 98504-2401
FAX: 360-586-5611 or 855-586-5611

Include:

Name and address of the injured worker and employer
L&I claim number and what you are asking for
Date of injury or occupational disease
Date of the L&I decision being appealed

If you submit your appeal electronically (<https://fortress.wa.gov/biia/efiling/EFile/BIIA02.aspx>) you do not need to submit a paper copy, either in person or through the mail, although you should keep a copy for your records.

Proviso - Project Help does not become involved in appeal cases or when claims are represented by an attorney. Rvsd 8/16/19 Opeiu8/afj-cio