

# WORKERS' COMPENSATION HEARING / APPEAL TIPS

- ⇒ All contested workers' compensation issues are reviewed and decided within the Hearings Division. The Hearings Division is a state agency within the Department of Administration; Two levels are involved, the first and more informal process, the Hearings level; and the second more formal process is the Appeals level.
- ⇒ File your appeal on time (you are appealing issues resulting from your insurer's determination to deny you a benefit (s)). You have 70 days from the insurer's determination to file a request for hearing. You must include a copy of that determination with your request for hearing. If you have written a letter to your insurer and not received a written response within 30 days, you must include a copy of that letter with your request for hearing.
- ⇒ Personal attendance at your workers' compensation hearing or appeal is necessary. Telephone testimony is accepted only with good cause (e.g. for a hardship, distance, etc.). If you do not attend either personally or by telephone your case may be dismissed.
- ⇒ Personal appearance is very important; dress in an appropriate manner presenting a neat and clean appearance. A personal appearance makes an impression and more convincing appeal (eye contact, facial expressions).
- ⇒ If you are represented by an attorney, all contact must be made through him/her. You may not contact any officer without all parties present. If you write to the officer, you must copy all parties involved. In Nevada, you are entitled to an attorney free of charge at the Appeals level from the Nevada Attorney for Injured Workers (NAIW). The laws governing workers' compensation in Nevada are found in Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC) Chapters 616, 617 and 618.
- ⇒ Present your information by clearly explaining each point of your case;
  - Supply documentation - information about your injury; If the issue is medical, include your physician (other provider's) medical record history about your workers' compensation injury and resulting health problem(s); Show the **medical necessity (medical reasons)** for testing / treatment requested; Show medical evidence - include pictures, if any.
  - Supply other documentation, such as benefit information from your employer (e.g. wage information);
  - Research / cite Workers' Compensation law about your case.
- ⇒ Be sure to write down (and bring your written information with you, including phone numbers, etc.), everything you want / need to cover in the appeal; Check it off as you cover it in the appeal. Your appeal time may be short. Be prepared – rehearse if needed.
- ⇒ Calmly and completely present your case; do not argue with the other side or the Hearings or Appeals Officer.
- ⇒ If you do not win your hearing, you may appeal to an Appeals Officer within 30 days of your Hearing Officer decision. The Appeals Officer's decision is the final administrative law decision. Beyond that, you may petition for Judicial Review to the District Court. District Court can be reviewed by the Supreme Court of Nevada.