



WAMO TRIAGE

[Note that these are general guidance used to triage cases due to the number of pending cases. WAMO may, at its sole discretion, make a decision on a case-by-case basis to review and settle a case that fits within the criteria below.]

Review and elimination of all cases with one or more of the following characteristics:

- 1.) Claimant is greater than 75 yrs. old.
- 2.) Claimant has a probable shortened life expectancy, due to the compensable condition, unrelated health issue(s), or a combination thereof.
- 3.) Claimant has recently indicated that s/he has no interest in settling the claim.
- 4.) Claimant's comp. cases have been established (in whole or in part) for psychological/psychiatric injury/illness, which may render the claimant incompetent to understand/appreciate the ramifications of the settlement.
- 5.) The Medicare Set-aside Agreement ("MSA") is likely to exceed \$250,000.
- 6.) SDF monetary liability has not yet been reached relative to indemnity payments. (NOTE: In many cases, a WCLJ will find that SDF liability will attach, subject only to the requisite passage of time. It must be noted, however, that SDF is not liable for reimbursement of indemnity benefits until the carrier has paid 260 weeks of indemnity benefits. Thus, the mere passage of 260 weeks (5 yrs.) from the date of accident does not necessarily equate to the beginning of SDF liability for reimbursement of indemnity. If Claimant had returned to work for wages at or above the established Average Weekly Wage for any period(s) during the first 260 weeks, such period(s) would not count in calculating the 260 weeks of benefits paid. Thus, it can be well beyond 5 yrs. from the date of accident when SDF liability for reimbursement of indemnity finally commences. SDF does become liable for reimbursement of causally related medical expenses upon the passage of 260 weeks from the date of accident or disablement.)
- 7.) SDF liability is solely under WCL §14(6); the "concurrent employment" provision. SDF payments in such cases, unlike WCL §15(8) "second injury" cases, are not necessarily going to be made for the duration of Claimant's lifetime. Valuing these cases for SDF assessment savings does not seem feasible or cost effective.



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