Investigating the Workers’ Compensation Claim

Employers often think they have completed their investigation of the new workers’ compensation claim when they have finished filling out the state required Employers’ First Report of Injury (FROI). The information on the FROI is a good start on investigating a new injury claim, but it is not, by far, the only information that needs to be developed when investigating an injury claim.

Much of the information on the FROI – employee name, address, date of birth, social security number, and home phone number – can be taken right off the employee’s personnel file. Other information to complete the FROI – date and time of the accident, location of the accident, what happen, etc., can be obtained from the injured employee’s supervisor or department manager. Often the FROI is completed without the workers’ compensation coordinator for the employer ever talking to the injured employee. This is a major mistake.

**Post-Injury Interview Should Be Thorough**

The person responsible for overseeing the employer’s workers’ compensation claims should interview the injured employee, in person if possible or by phone if an in person interview is not possible, to discuss the accident. The interview should include several important questions or topics:

* Exactly where in the workplace did the accident occur?
* Was the employee doing his/her regular job?
* How did the accident occur?
* Was a third party responsible for the injury? (Think subrogation and cost recovery)
* Repeat the details of the accident to the employee to verify your understanding of the accident is correct.
* Confirm the accident occurred within the course and scope of employment.
* Ask the employee what the employer can do to prevent the accident from happening again.
* Obtain the names of all coworkers who witnessed the accident.
* Ask the employee to provide a detailed description of all injuries, including symptoms and level of pain.
* Ask the employee what is the medical provider’s diagnosis, prognosis, treatment plan and work restrictions.
* Confirm the employee treated at the designated medical facility if your state allows the employer to select the medical provider.
* If the employee has treated at an unauthorized medical provider, instruct the employee on the correct medical provider for any additional medical treatment.
* If the employee has the right to select his/her own medical provider, obtain the name of the medical provider along with the address and phone number.
* Ask the employee if they have ever had a prior injury. (This includes both work-related injuries and non-work related injuries). Later, after your discussion with the employee, compare their answers to their job application to see if their “new work injury” is a pre-existing medical problem.
* If the employee does disclose a prior work-related injury(s), obtain the name of the employer(s) and the date(s) of the prior injury(s).
* Discuss with the injured employee what work the employee is still capable of doing within the work restrictions set by the medical provider.
* Review with the employee what the medical management program will do to assist in their recovery.
* Reinforce the need for the employee to contact you following each doctor’s visit for the purpose of providing you with an update on the medical recovery and the work restrictions.

**Good Information Creates Improved Work Comp Claim Outcomes**

While this might seem like a lot of information to collect if the employee should be off work only for a few days or a few weeks, it is essential you do so. When the employer does not have a complete investigation and complete understanding of the medical care and progress, there is a much higher probability the injured employee will exploit the injury and being off work a few months or years rather than days or weeks.

Also, your investigation into the claim can often be essential in the prevention, or at least limitation, of medical treatment and lost work days due to pre-existing medical conditions. Plus, when employees know that the employer thoroughly investigates every injury claim, the incidents of fraudulent claims is greatly diminished.