

Board's Road Show #3: Reducing Hearings

September 10, 2015

BLACK & WHITE LEGAL ISSUES

ISSUE CODE	2010	2011	2012	2013	2014	2015	Total
1200...§18 notice to employer	1	3		1	1		6
1210...§28: time bar	1	3	3	3	2	1	13
3001...§11 Election of Remedies	2	1	1				4
3005...§11: Jurisdiction		2	1	2	1		6
3010...§11: Grave Injury	1						1
3085...§ 3(29)/(30) OD-Who pays		2					2
3100...§15(8)			1	1			2
3110...§15(8) Reimbursement Special Fund	6	10	6	7	4	2	35
3120...§25-a: Advance Compensation	2	1		1			4
3130...§25(4)(a): Reimbursement Period	2		2	2		1	7
3140...§25-a: True Closing	8	7	4	3	8	7	37
3160...§ 29: MVA liens, malpractice						2	2
3160...§29: 3rd Party/MVA liens	4	3	8	4	3	2	24
3170...§13-b Medical Bills: Who Pays	3		4	1	1	1	10
3172...Medical Variances				1			1
3175...§25(4)[a] Reimbursement	1	1			2		4
3178...§123 Stale Claims			1	2			3
3180...ATF Compensation		4					4
3185...§50(5): Assessments & GSITs	1	2		2			5
3195...Self-Insured Trust				1			1
3195...Self-Insured Trusts		1		1	3		5
3197...Policy Cancellation & Terms					1		1
5040...Income from self-employment	1	2					3
5160...§14: Average Weekly Wage	2	3	1			1	7
5200...Medical Exams: Appointments/Records	1		1				2
5205...Medical Billing			2		1		3
5250...Aggregate Trust Fund	14	4	2	1	2		23
6320...Coverage					1		1
7001...Failure to follow legal procedure				1			1
7020...§123: Late Appeal (7 years)	3					1	4
7022...§35 Reopening						1	1
7025...Untimely Submissions/Defenses		1	2		1		4
7027...Stipulations not binding		1					1
7030...Latches				1			1
7032...Venue issues §114-a(3)	1			6	7	1	15
7040...§15(6) Reopening					2		2
7040...§15(6) Reopening by claimant	1	1					2
7045...§ 32 Reopening		1					1
7050...§25: Late payment penalty				1			1
7055...Procedure: Due Process/Mailings		2				1	3
7070...untimely prehearing conf sttm		5					5
7115...§24-a			1				1
Grand Total	55	60	40	42	40	21	258

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DISCRETIONARY LEGAL ISSUES

ISSUES - DISCRETIONARY	2010	2011	2012	2013	2014	2015	Total
1001...§21: Unwitnessed Death/accident		1	1		1		3
1020...Causal Relationship: Death	3	3	4	5	4		19
1030...Causal Relationship: PFME, et al	9	9	5	5	6	5	39
1040...Causal Relationship: Stress		2		3	5	1	11
1045...Causal Relationship: Was there?				1		2	3
1052...§21(4): Intoxication	2						2
1100...Course of Employment: in and out of	7	8	5	1	3	1	25
1105...Course of Employment: Slip & Fall						1	1
1110...Course of Employment: Special Events			1				1
1112...Course of Employment: Assault	3						3
1120...Course of Employment: Egress/Ingress	2		1	1			4
1135...Causal Relationship: Aggravation or Ne	2		3		2		7
1140...Accident vs Disease	2			2		2	6
3011...Undocumented aliens					1		1
3020...Coverage/Death Claim	8						8
3030...Employment: Who is or dual	11	6	6	3	3	1	30
3050...Medical Variances				3			3
3070...Apportionment: Death			2			1	3
3075...Apportionment: Awards, SLU	5		2			2	9
3080...Apportionment: Medical		1				2	3
3090...Hearing Loss	2	1					3
3182...§44 App't Dust Diseases		2	2	6			10
3190...Broker/Employer Fraud						1	1
3200...VFBL		3	3	2			8
3201...Jones Act (LHWCA)	2						2
4100...§161 WTC Cases		2					2
4100...WTC Cases §161 & article 8-A					1		1
5020...Disability: Degree of or R/E	5	1	3	2	4	6	21
5030...Disability: Further Causally Related/Co	4	2	2	2		1	11
5032...Consequential		2		2	2		6
5035...Total Industrial Disability	1						1
5036...Refusing medical treatment		1					1
5050...Schedule Loss of Use issues	1	2	4		1	1	9
5080...§32 All issues		1		3			4
5085...Date of Disablement					1		1
5110...Voluntary Withdrawal	10	10	6	2	4	5	37
5115...§120: Discrimination				1			1
5130...§114-a: Fraud	4	3	5	13	5	7	37
5135...§10(4) Incarceration					1		1
5165...§14(5): Wage Expectancy		1					1
5170...§14(6): Concurrent Employment		2	3				5
5185...§15(6): overlapping SLU & PPD			1				1
5187...§16 Death Benefits		1	1				2
7010...§23: Late/Interlocutory/Frivolous Appe	5	6	4	7	5		27
7011...Interlocutory \						1	1
7015...§23: Frivolous Appeal Penalty		1					1
7016...§114-a(3) Unreasonable Appeal Penalty					3		3
7016...Penalties - other						1	1
7050...Procedure: Denial FBR	15	5	10	4	2	6	42
7100...Legal Fees		2		2		1	5
7110...Legal Malpractice	1		1	1			3
7140...Article 78	1				1		2
7150...Capricious & Arbitrary				1			1
Grand Total	105	78	75	72	55	48	433

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