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With government shut down, workers' comp claims in limbo

Martin Moylan · St. Paul, Minn. · Jul 7, 2011

Politics

LISTEN **Minnesota workers embroiled in workers' comp disputes**

Jul 6, 2011

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Waiting for word on medical care *MPR Photo/Jeffrey Thompson*

Without a working state government, there's no forum to resolve the disputes that embroil thousands of Minnesota workers over workers' compensation benefits.

Last year, some 13,000 workers' compensation disputes were filed with the Minnesota Department of Labor and Industry. Workers, employers and their insurance companies argue the validity of claims or attempts to change, reduce or end wage and medical benefits.

The cases are typically resolved by the department's mediators. Or they go to judges working for the Office of Administrative Hearings.

Resolution for workers' comp disputes was not ruled an essential service that should be sustained through the government shutdown. Those mediators and judges who deal with those cases have been laid off for the duration of the shutdown.

"If there's a dispute, currently we're not offering resolution services. There's no mediation or other resolution for workers' comp disputes," said James Honerman, spokesman for the Department of Labor and Industry.

Most workers' comp claims are filed with and paid by employers' workers' compensation insurance providers. The shutdown won't likely affect current claims, as long as they're not disputed.

There may be no ruling for those who are awaiting settlement of a conflict, such as with the claim filed by Shawn Dockter, who said he injured his back and neck while working for 16 years as a machinist.

Dockter expects a decision this week about an insurer's denial of his claim for past and future benefits, a claim that could easily top \$100,000.

"We're seeking everything that I lost out-of-pocket so far, with all my lost wages from work and all my out-of-pocket medical expenses," he said.

Workers' compensation pays for medical care related to a workplace injury. It also generally covers about two-thirds of lost wages.

Dockter awaits a ruling about who should pay for spine and neck surgeries he needs. He doesn't have health insurance and he can't pay.

"I just hope they get it resolved soon," he said. "It's just been miserable. I'm right on the edge of losing my house. I maybe have enough left for one more house payment and that's it."

Michael Scully, Dockter's workers' compensation attorney, said says the rights of people like his client are being violated. "There's no judge to approve settlements or agreements. There are no judges to hear cases," Scully said.

In some cases, payments and benefits may be cut off to people whose claims are in dispute. In other cases, they may continue until the dispute is resolved. Some disputes go back to events that occurred more than a decade ago.

Steve Burnham of Andover is trying to get an insurer to pay for a lingering injury he traces back to a 1999 construction site accident. Burnham said he fell through a drainage hole that had been covered with a foam panel.

"I stood on it and I dropped down, tore the lower disc of my back," Burnham said.

He wants the insurer to pay for back surgery. The insurer asserts the 1999 accident didn't cause Burnham's current back troubles.

Burnham said he is facing some expensive hospital bills. He hopes to hear this week if his claim is granted.

"I'm in a lot of pain," he said.

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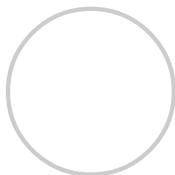
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Broadcast dates

Morning Edition

8:41 AM · Jul 7, 2011

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