Avoiding a $400 Sanction: Responding to Notice From the Commission of a Form 18/Claim Being Filed

Practices

Workers' Compensation

Related Attorneys

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With regard to the Employer's (Carrier's/TPA's) obligation to respond to notice from the Commission of the Employee's filing (***with the Commission***) of their Form 18, *Notice of Accident to Employer and Claim of Employee*, the North Carolina Workers' Compensation Act N.C.G.S. § 97-18(j) states:

"When an employee files a claim for compensation with the Commission, the Commission may order reasonable sanctions against an employer or insurer which does not, within 30 days following notice from the Commission of the filing of a claim, or within such reasonable additional time as the Commission may allow, do one of the following:"

- *file a **Form 60** (only if the claim is accepted – and – lost time benefits will be paid); or*
- *file a **Form 61** (if the claim will be denied); or*
- *file a **Form 63** (if it's a "Medical Only" claim – or – lost time benefits will be paid without prejudice for up to 90 days while investigation continues)*

In order to avoid a $400 sanction, the Employer (Carrier/TPA) must file one of these Forms within 30 days of the date on the notice letter from the Commission.

If you have questions regarding this Practice Pointer and/or are interested in a 1-hour NC DOI approved CE on this subject for your group, please contact your Hedrick Gardner attorney.

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