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ALERT REGARDING HANDLING OF CLAIMS FILED IN THE WRONG JURISDICTION

TO: Workers' Compensation Insurance Carriers, Self-Insured Employers, Group Self-Insurance Associations, CompSource Oklahoma, Third-Party Administrators, Injured Workers, Attorneys, Other Interested Persons
FROM: Rick Farmer, Executive Director
DATE: June 10, 2014

This is to clarify procedures for the handling of claims filed in the wrong jurisdiction.

It is up to the filing party -- not the Court of Existing Claims or Commission -- to decide where a case is filed. On occasion, their decision is wrong.

If the wrong jurisdiction was selected, the party who filed the claim may correct the error by obtaining an order of dismissal from the original jurisdiction and properly commencing the claim in the correct jurisdiction. If no action is taken, the case remains with the jurisdiction where filed.

Filing an "amended" claim for compensation form in the case using the other jurisdiction's claim form is invalid to correct the error. According to an earlier email regarding document processing procedures, the amended filing, although on the other jurisdiction's form, is to be treated as relating to the case where filed and should be file-stamped as such. **Departmental staff may not use the amended filing to independently change a Court case to a Commission case, or vice versa.** To the extent possible, any such changes previously made will be reviewed administratively and the jurisdiction adjusted consistent with this alert.