

Understanding the Claims Process - A Guide for Injured Workers (On-the-Job Injury, Illness or Death Occurring on or after February 1, 2014)

Notice of Injury to Employer: It is important to give immediate notice to your employer about your injury. Generally, if not done within 30 days, you may lose your rights to any workers' compensation benefits.

Employer Report of Injury: Employers are required to file a report with the Commission within 10 days of having knowledge of any work death or injury that results in more than 3 days away from work. This is not a claim and does not protect your rights.

Injured Worker Notice: Once the Commission receives the employer's report of injury, the Commission will send you a [notice](#) about the Commission's Counselor Division and its mediation services. The notice explains how the Counselor Division may help you throughout the claims process and includes contact information. You are not required to have a lawyer to process your claim.

Employer Statement of Intent: You are entitled to a statement from the employer or its insurance carrier of its intent to accept or deny any right to compensation. The statement (CC-Form-2A) is to be sent to you within 15 days of the employer's receipt of notice of the injury, unless the time is extended by the Commission. If the time is extended, you will receive a copy of a document called the "CC-Form-2A Extension". The extension allows the employer more time to gather information about the injury and file the CC-Form-2A.

Mediation: If the employer/carrier statement of intent denies the right to compensation, you may contact the [Counselor Division](#) for information about mediation. Mediation is voluntary and informal. It is a process in which a neutral person helps the parties understand, and work toward an agreed upon resolution of, their dispute. Mediation may be used at any time during the claims process.

Claim for Compensation: You may file a claim for compensation with the Commission to protect your rights. The claim must be filed within the time fixed by law. A claim for compensation for injury (CC-Form-3) must be filed within one (1) year of the date of injury. Other types of claims for compensation have different filing deadlines. Failure to comply with the deadlines may cause the claim to be forever barred. Claims forms are on the Commission's website, www.wcc.ok.gov. They also are available at both Commission locations, 1915 N. Stiles Avenue, Oklahoma City, OK 73105 and 210 Kerr State Office Building, 440 S. Houston, Tulsa, OK 74127. To file, mail or hand deliver the completed claim form to either location.

Prehearing Conference and Hearing: After a claim for compensation is filed, you may request a prehearing conference or hearing before a Commission Administrative Law Judge (ALJ) to address any disputed issues. The [Counselor Division](#) may help you with the request.

A prehearing conference is an informal meeting between the parties and the ALJ. It is held before a hearing is scheduled. The prehearing conference gives the parties a chance to resolve disputes by agreement or with the help of the ALJ, and to discuss settlement.

Hearings are only necessary if you and the employer/carrier cannot resolve the dispute. A hearing is a formal proceeding before an ALJ. The ALJ will hear evidence presented by you and the employer/carrier at the hearing. Your evidence may include medical records and other documents, your testimony and testimony from any witnesses. The ALJ will decide the dispute based upon the law and the evidence admitted at the hearing. The ALJ's written decision will be sent to you and the employer/carrier within 30 days after the record closes.

Appeal: Any party has 10 days from the date of the ALJ's decision to file an appeal to the full Commission. Any party has 20 days from the date of the full Commission's decision to file an appeal to the Oklahoma Supreme Court.

Settlement: You may settle all or part of your claim for compensation for an injury by coming to an agreement with the employer/carrier at any time during the claims process. Settlement avoids the need for a formal hearing. The terms of the settlement will need to be put in writing on a document called a "Joint Petition Settlement". The settlement must be approved by an Administrative Law Judge of the Commission.

Questions or need additional information? Contact the Commission's [Counselor Division](#).
Our staff is available to help you.