

School: Claims
Course: Foundational Compensability, Part II
Faculty: Beth Goede, Director of Strategy and Optimization, The Hartford

Summary

The course "Foundational Compensability, Part II," taught by Beth Goede of The Hartford, builds upon foundational knowledge from Part I, diving deeper into complex compensability issues in workers' compensation claims. In this session, Goede discusses key factors that make compensability decisions more complicated, such as alcohol involvement, personal deviations, and the personal comfort doctrine.

Goede starts by emphasizing the importance of due diligence in handling compensability claims, especially when complex factors, or "red flags," are present. Red flags, such as alcohol use, deviations from job duties, or incidents involving personal errands, require more thorough investigations. These factors can create anxiety, mistrust, and delays in the claim process, impacting both the injured worker and the employer.

One of the key concepts covered in this session is the **personal comfort doctrine**, which allows for minor deviations from an employee's work duties to address personal needs like eating or using the restroom. In Tim Watson's case study, an employee injured during a deviation from his regular route to use the restroom was still considered to be within the scope of his employment. This case illustrates how personal comfort considerations can play a crucial role in compensability decisions. Goede explains that such deviations are permissible, as long as they are reasonable and minor.

The course also delves into the challenges posed by **alcohol and substance involvement**. Goede presents an example where an injured worker had alcohol in his system at the time of an accident. Although the initial investigation seemed straightforward, the discovery of alcohol complicated the compensability determination. Ultimately, further investigation showed that the worker's blood alcohol level was below the legal limit, and the alcohol did not play a significant role in causing the accident. This case demonstrates the need for case-specific investigations, including checking local case law and statutes when substance use is involved.

Goede stresses the role of **clear communication** and **trust-building** throughout the compensability process. Claim adjusters are encouraged to communicate transparently with all parties, including the injured worker, employer, and medical providers, to set expectations and reduce anxiety. This approach fosters better relationships and reduces the likelihood of legal intervention, which can further complicate the claims process.

Another complex issue addressed in the course is the idea of **idiopathic conditions**, which are injuries or illnesses with unknown causes that occur spontaneously. While these conditions may not initially appear compensable, if an injury occurs as a consequence of the condition (e.g., an employee faints and falls), the secondary injury may be covered. Understanding the difference between primary and secondary injuries is critical when making compensability decisions in these cases.

Throughout the course, Goede emphasizes the importance of **case law and statutes** in making informed compensability decisions. With over 50 different workers' compensation systems across the U.S., adjusters must be familiar with local regulations and precedent to ensure they handle claims correctly and fairly.

In conclusion, "Foundational Compensability, Part II" provides valuable insights into handling more complex compensability claims. Through case studies and real-world examples, Goede highlights the importance of thorough investigations, transparent communication, and applying legal precedents to ensure fair and just outcomes in workers' compensation claims.

Learning Objectives

1. Understand the importance of due diligence in compensability analysis, particularly with confounding factors.
2. Identify and evaluate complex factors like alcohol involvement, deviations, and personal comfort doctrine in workers' compensation claims.
3. Learn how to apply case law and statutes when determining compensability in diverse situations.
4. Develop strategies for managing stakeholder concerns and building trust through whole-person recovery approaches.
5. Explore the significance of detailed investigation and transparent communication in ensuring accurate compensability decisions.

Primary Takeaways

1. Complex compensability cases require in-depth investigation and due diligence, especially when factors such as alcohol involvement or deviations are present.
2. The personal comfort doctrine plays a key role in understanding minor deviations from work tasks, allowing reasonable accommodations.
3. Building trust with stakeholders through clear communication and managing expectations reduces anxiety and mistrust in claims handling.
4. Case law and statutes are critical in determining compensability, particularly in areas like alcohol use, travel, and personal errands.

5. A whole-person recovery approach is essential for fostering positive relationships and better outcomes in complex compensability cases.

Course Outline

- 1) Overview of Compensability and Complex Cases
 - a) Introduction to confounding factors in compensability analysis
 - i) Importance of due diligence
 - ii) Key role of case law and statutes
- 2) Factors Affecting Compensability
 - a) Alcohol and substance involvement
 - i) Case analysis and state regulations
 - ii) Thresholds for intoxication and its impact on claims
 - b) Deviations from work and personal comfort doctrine
 - i) Minor vs. major deviations
 - ii) Case law considerations for personal comfort during work
- 3) Managing Stakeholders and Communication
 - a) Building trust and managing expectations
 - i) Importance of transparent communication in reducing mistrust
 - b) The role of whole-person recovery in compensability decisions
 - i) Benefits of addressing emotional and psychological aspects
- 4) Advanced Considerations in Compensability
 - a) Travel-related claims and deviations
 - i) Case-specific analysis of travel routes and deviations from work
 - b) Special circumstances: idiopathic conditions, horseplay, and personal errands
 - i) Evaluating idiopathic conditions in relation to compensability

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