What is the effect of the Judge's recommendation?

The suggestions made by the Judge during an informal hearing are not binding on either party. You may accept the amount offered that day and still proceed through the formal process. If you decide not to accept the recommendation, you still have the right to file a formal Claim Petition within two years from the date of your injury or from the date of the last provision of benefits, whichever is later. This period of time is referred to as the *Statute of Limitations.***

What if my injury gets worse or I need additional treatment after I've agreed to a settlement?

You should contact your employer or their insurance carrier with your request for treatment and/or additional benefits. If additional benefits are not provided, you have the option of filing a formal Claim Petition with the Division of Workers' Compensation. Keep in mind that a formal claim must be filed within the above noted Statute of Limitations.

Statute of Limitations

***Please note that this hearing does not extend the Statute of Limitations. If your claim is not settled at the informal level, a Formal Claim must be filed within two years of the last payment of compensation, or your claim will be barred. If an agreement to provide benefits is entered at the Informal level, you have two years to file a formal claim from the last payment of compensation.*

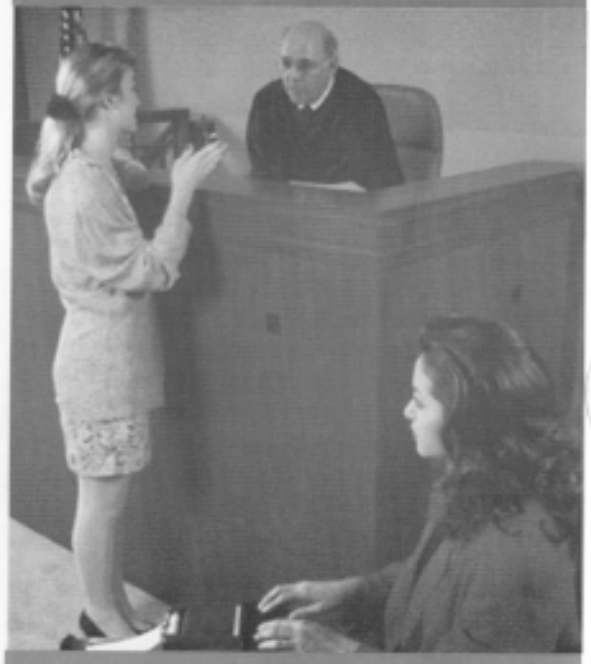
This pamphlet is published for general information and does not have the status of law or regulation.
For specific wording of the law, see the *NJ Workers' Compensation Act (NJSA 34:15-1 et seq.)* or *Rules of the Division of Workers' Compensation, NJAC: 12:235.*

Division of Workers' Compensation
New Jersey Department of Labor
P.O. Box 381
Trenton, NJ 08625-0381

WC-17 (7/01)

Injured on the Job?

Get the facts about Informal Hearings



NEW JERSEY DEPARTMENT OF
LABOR
wnjpin.net

Working Together to Keep New Jersey Working

Donald T. DiFrancesco
Acting Governor

Mark Boyd
Commissioner

What is Workers' Compensation?

Workers' Compensation is a system created by the NJ Legislature that provides benefits to workers who are injured or who contract an occupational disease while working. The law protects both the employee and the employer. Employees are entitled to receive reasonable and necessary medical care, temporary disability benefits during the period of rehabilitation and when documented, benefits for permanent disability. Employers provide for the cost of such coverage while being protected from more expensive tort litigation and unlimited civil verdicts for non-economic losses.

What can I do when there are unresolved issues between me and my employer?

When parties are unable to amicably resolve their differences over entitlement to workers' compensation benefits, the Division of Workers' Compensation provides a fair and impartial forum to mediate and, if necessary, adjudicate disputes before a Judge of Compensation. One method of resolving such disputes is the informal hearing process.

What is an informal hearing?

An informal hearing is an opportunity for you and a representative of your employer or their insurance company to meet before a Judge of Compensation to discuss the settlement of your workers' compensation claim.

The Judge conducting the informal hearing does not represent you. These proceedings are encouraged as a means of resolving issues without resorting to more involved and lengthy formal litigation. Issues such as the amount of temporary benefits, medical treatment and permanency benefits can be addressed at this hearing.

How can I file for an informal hearing?

You, your employer, or your employer's insurance carrier can request a hearing by filing an *Application for an Informal Hearing*. You can obtain this form by calling (609) 292-2515 or you can download the form off our Internet Web site: www.state.nj.us/labor/wc/forms.htm. After you file, the Division of Workers' Compensation will send you (the worker), your employer, and/or your employer's insurance company scheduling information. Informal claims are typically resolved within the first or second hearing.

Where are the informal hearings held?

Typically, the hearings will be scheduled in a district office close to where you live or in a nearby county. You will receive notice of the hearing date, time, assigned Judge and the address and telephone number of the hearing office approximately four weeks before the hearing date.

What happens during the informal hearing?

The Judge will review your medical records and the benefits you have already received. The Judge may ask you questions about your disability and whether the injury has limited your physical activities. After a brief discussion with you and the insurance claims representative, and based upon the information with which the Judge has been provided, the Judge will recommend a settlement amount. The Judge's recommendation at this informal level is not a judicial decision and does not have the effect or protection of one. If everyone agrees with the recommendation, you will be asked to sign an agreement. A payment will be issued to you from your employer or their insurance carrier as soon as possible.

Do I need a lawyer?

You have the right to an attorney whose services may include collecting all medical records and obtaining appropriate medical evaluations so that information regarding all your residual conditions is provided to the Judge before a determination is made. The Judge of Compensation conducting the Informal Hearing may allow a counsel fee, where warranted, for services rendered on behalf of the worker in an amount not to exceed 10 percent of the worker's award. This fee shall be paid by the worker.

What if I cannot attend the hearing at the time it is scheduled?

Your attendance is very important and you should make every effort to be there. If you cannot attend and you must request an adjournment, you should contact the Judge listed on the informal hearing notice as soon as possible so that another hearing can be scheduled.

What should I bring to the hearing?

Bring your medical records, if available, outstanding medical bills, and a record of your loss of wages, if applicable, as well as any other documentation that could be relevant to your case. Any recommendation made by the Judge at the Informal is based upon that information provided by the insurance company and the information provided by you.

Where can I get more information?

For further information about informal hearings or workers' compensation in general, please contact the Division of Workers' Compensation at P.O.Box 381 Trenton, NJ 08625-0381.

Phone:
(609) 292-2515
e-mail: dwc@dol.state.nj.us

Internet:
www.dwc.dol.state.nj.us