

STRUNK DODGE AIKEN ZOVAS

UPDATE ON THE CONNECTICUT WORKERS' COMPENSATION COMMISSION RESPONSE TO COVID-19 AND PROTOCOLS FOR HEARINGS

Attorney Jason Dodge of Strunk Dodge Aiken Zovas will present a webinar along with Attorney Jon Dodd for the Connecticut Bar Association on Thursday, March 26 entitled “**COVID-19 Chaos and Workers’ Compensation Practice.**”

Strunk Dodge Aiken Zovas attorneys are continuing to work remotely at this point. Should you have any questions or wish to discuss cases please email us and we will respond promptly. We will continue to monitor our emails and fax for new files.

The Connecticut Workers’ Compensation Commission has been very proactive in regard to administration of workers’ compensation claims given the COVID-19 pandemic. Changes in the Commission seem to be happening hourly in response to the pandemic and in the interest of safety of the Commission staff and their customers.

The Chairman has recently issued three new Memoranda as well as a statement regarding the handling of upcoming CRB arguments. Some of the changes are as follows:

IMPORTANT: Job searches are waived beginning March 16, 2020.

All hearings will be done telephonically. The parties the day before the hearing should advise the Commission of the direct dial phone number where they can be reached at the time of the hearing **OR** initiate the phone call between the parties before the hearing and then call the Commission.

The Commissioners will have discretion about what hearings will go forward. Hearings with priority to go forward are those where the claimant is not being paid, urgent medical treatment is being denied, Form 36 issues, or hearings re Commissioner exams. Hearings regarding apportionment will not be postponed.

The Commission will require the parties to speak to each other before a hearing is requested.

The Commission has given this stark guidance re hearing requests: “ask yourself if the issue is sufficiently important that you would risk exposure of yourself or family by appearing in person.”

Only Formal hearings of high importance will go forward.

The three-day rule for cancellation of hearings is suspended.

Continuances of hearings will be liberally granted.

Out-of-state stipulation approval protocol can now be used for in-state claimants.

No visitors will be allowed in the Commission offices.

For the Compensation Review Board arguments of March 27, 2020 they can either be postponed or have the issue “taken on the papers.” If the parties request that oral argument proceed it will be done telephonically.

It is likely that there will be many claims brought for COVID-19 injuries and possible deaths. We believe that the Commission may need to set up a separate docket (much like the asbestos docket in Middletown) in order to handle these cases.

We remain available to answer your questions regarding the Coronavirus and compensability issues.

We wish to all of our friends and colleagues good health. Be safe.

Our attorneys:

Lucas D. Strunk, Esq. 860-785-4502
Jason M. Dodge, Esq. 860-785-4503
Richard L. Aiken, Jr., Esq. 860-785-4506
Anne Kelly Zovas, Esq. 860-785-4505
Heather Porto 860-785-4500 x4514

Nancy E. Berdon, Esq. 860-785-4507
Katherine E. Dudack, Esq. 860-785-4501
Philip T. Markuszka, Esq. 860-785-4510
Christopher J. D’Angelo, Esq. 860-785-4504
Christopher Buccini 860-785-4520

Attorney Jason M. Dodge
Strunk Dodge Aiken Zovas
200 Corporate Place, Suite 100
Rocky Hill, CT 06067
Direct dial: (860) 785-4503

Fax: (860) 436-9630

Main Phone: 860-785-4500

Email: jdodge@ctworkcomp.com



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