

NAME:

SS#:

Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund

EMPLOYER: Giant Food Warehouse
PLAN: E

LOCAL: 730
STATUS: Full Time

ISSUE: Medical – Late Response to Requests for Additional Information, #M13/107-5864
Late Appeal

FUND RULE:

"Because the information necessary to process your claim is not yet complete, it is denied as submitted. However, once all information necessary for processing has been received, the claim will be re-opened as long as it is within the original filing deadline."

(Quoted from the letters mailed to the participant on May 23, 2011 and July 22, 2011)

"How to File a Claim

All claims for benefits must be made within one year of the date charges were incurred. If a claim is filed after one year has passed, the claim will automatically be denied."

(Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund SPD, Page 95)

"Appeal Procedure

2. You or your authorized representative may appeal the claim denial directly to the Board of Trustees. If you decide to appeal, you must make a written request for review within 180 days after you receive written notice that your claim has been denied."

(Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund SPD, Page 99, #2)

SUMMARY:

Date(s) of Service:	September 16, 2011, October 21, 2011, and November 18, 2011
Claim Received:	January 3, 2012 through January 11, 2012
Claim Denied:	May 10, 2012
Appeal Received:	February 26, 2013 (292 days)

The **participant** is appealing for payment of claims that were denied for no response to requests for additional information.

Fund records indicate Southern Maryland Orthopaedic and Sports Medicine Center submitted claims for office visits, an x-ray, and Medrol injection with diagnoses indicating the participant may have suffered an injury to his leg. Accident inquiries were mailed to the participant and Southern Maryland Orthopaedic and Sports Medicine Center on January 9, 2012 and March 9, 2012. The claims were subsequently denied when no response was received. The Fund office later received a copy of a Maryland Workers' Compensation Commission's ruling (dated March 29, 2012) from the participant on October 24, 2012, indicating he suffered an accident at work on October 19, 2009 (unknown details). The Maryland Workers' Compensation Commission awarded temporary total disability benefits to the participant for the period from October 23, 2009 through October 26, 2009. The Commission further specifically ruled that the participant's right knee disability was not related to the October 19, 2009 accident at work.

The participant returned a completed accident inquiry to the Fund office on January 2, 2013 (46 to 109 days late), advising that his right leg asteroarthrosis was not the result of an accident; the treatment was due to "arthritis". The participant's file was reviewed and a letter was mailed to him on January 14, 2013, asking for clarification on his October 19, 2009 accident. The participant advised the Fund office on January 28, 2013 that he "fell on [his] knees". No further details were received. The claims remained denied because the requested information was received late.

(continued)

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The participant advised with his appeal that, "In 2011, I returned to the orthopaedic office for pain in my knee... Workers' Compensation denied all [claims from] 2011 and 2012. I did have a court hearing and it was determined that my [right] knee pain was not related to the fall in 2009 and... Workers' Compensation would not pay the bills. I was diagnosed with end-stage osteoarthritis and I asked the orthopaedic office to bill [the Fund] for my visits."

Note: The participant's address was last updated on January 31, 2007 and matches the return address on the appeal letter. No mail has been returned from the post office for this participant since that change of address.

ACTION: **Approved** ☐ **Denied** ☐ **Tabled** ☐
COMMENTS: