

NAME:

SS#:

Warehouse Employees Union Local No. 730 Health & Welfare Fund

DATE OF HIRE: May 31, 2009

LOCAL: 730

PLAN: E

STATUS: Terminated, August 5, 2011

ISSUE: Accident and Sickness – Late Original Claim Form

#A12/101-0332

FUND RULE:

"Steps to Follow for Work-Related Claims

If you have an illness or injury which may be work related, there are certain steps to follow in order for your claim to be processed. Below is a review of those procedures. Read over them so you are sure you understand what to do in that situation.

1. Submit your claim to the Fund office as usual. Be sure to file within the time frame required (within 365 days from the date the injury/illness began).
2. At the same time, file your claim with your employer's Workers' Compensation carrier.
3. The Fund office will deny the claim as being work-related. Your claim will be on record as being received on time by the Fund office."

(Warehouse Employees Union Local No. 730 SPD, Page 97)

FACTS:	Disability:	Tear of Medial and lateral Meniscus, Chondromalacia
	Last Day Worked:	January 12, 2010
	Disability Began:	January 20, 2010
	Returned to Work:	February 5, 2010
	Received Workers' Compensation:	January 16, 2010 through February 4, 2010
	(Same Disability)	
	Last Day Worked:	May 4, 2010
	Disability Began:	May 18, 2010
	Returned to Work:	April 26, 2011
	Received Workers' Compensation:	May 18, 2010 through March 22, 2011
	Suspended:	May 4, 2011
	Returned to Work:	May 31, 2011
	Resigned:	August 5, 2011
	Date Appeal Received:	December 12, 2011

The **participant** is appealing for payment of the Workers' Compensation Supplement for dates from July 29, 2010 to March 22, 2011. The participant states he assumed the shop steward would inform the Fund office of his injury. He did not realize he needed to complete an initial Accident and Sickness claim form.

Fund records indicate the participant submitted an Accident and Sickness claim form on August 15, 2011 along with a workers' compensation history report. The Fund office mailed a letter to the participant on August 19, 2011 advising that payment of the Workers' Compensation Supplement was denied because the claim for benefits was not filed within 365 days from the date the injury began.

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

COMMENTS: