

# Navigating Workers Compensation

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OFFICE OF THE OMBUDS FOR WORKERS OF SELF-INSURED  
EMPLOYERS

# Workers Compensation Insurance

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Workers compensation pays for medical care directly related to your accident or illness. If you are unable to work following your injury, you may be eligible for a portion of your lost wages.

- Washington is a no-fault state
- Employers can choose to provide coverage by going through State Fund (L&I) or by qualifying to be Self-Insured

# Self-Insurance

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- Employer's can qualify to be self-insured
- Workers are entitled to the same rights and benefits
- Self-Insured Program at L&I provides regulatory oversight
  - Certification
  - Compliance - Audits/penalties
  - Issue most legal orders
  - Resolves formal disputes

# Claim Filing Process

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## State Fund

- Online via our [FileFast](#) tool
- By phone: 1-877-561-FILE (3453)
- At your provider's office (if you complete the Report of Accident at your provider's office, the provider files the form for you)

## Self-Insured

- Complete a Self-Insurer Accident Report (SIF-2)
  - WAC 296-15-30(a) states an employer must immediately provide an SIF2 to every worker who makes a request or upon first knowledge of injury/exposure – whichever occurs first
- Complete a Provider's Initial Report (PIR) at your provider's office – the provider files the form for you

# Claim type: Injury vs Occupational Disease

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## Injury (RCW 51.08.100)

*"Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical conditions as result therefrom.*

## Occupational Disease (RCW 51.08.140)

*"Occupational disease" means such disease or infection as arises naturally and proximately out of employment under the mandatory or elective adoption provisions of this title.*

# Claim Allowance Criteria – Injury

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## Timely Filed

Injury claims must be filed within **one year** after the day of the injury.

## Prima Facie – “at first view”

- Legal definition of injury
- Course of employment
- Causal relationship – medical opinion that relates condition diagnosed to the incident/exposure on a more probable than not basis.

# Claim Allowance Criteria – Occupational Disease

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## Timely Filed

- Must be filed within **two years** following the date the worker had written notice from a doctor that an occupational disease exists and a claim for disability benefits may be filed.

## Additional Requirements

- Legal requirement\* – disease must arise naturally and proximately out of employment
- Causal relationship\* – medical opinion that disease is related to the work activities
- Medical findings – the doctor must substantiate the diagnosis with objective medical findings

\*presumed under RCW 51.32.185

# Presumptive Coverage

RCW 51.32.185

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Respiratory disease

PTSD\*

Some cancers\*

Heart problems (under certain circumstances)

Some infectious diseases

Presumption coverage can be challenged by a preponderance, or majority, of the evidence.

**If a presumption does not apply – the burden shifts to the worker to prove the condition is an occupational disease (meets legal definition and causal relationship)**

\*must have served for at least 10 years and given a qualifying medical examination that showed no diagnosis at time of hire

# Workers Compensation Benefits

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- Medical coverage for accepted/covered conditions
- Wage replacement benefits
- Permanent Partial Disability (PPD)
- Vocational Training
- Pension
- Survivor Pension

# Your rights & responsibilities

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- Rights under the Workers Compensation act can not be waived
- Your employer can not discriminate or retaliate against you for filing a workers compensation claim
- Your employer can not prevent you from filing a claim
- You have your choice of medical provider (within the Medical Provider Network (MPN))
- You can dispute a decision made by your employer or L&I
- You can protest or appeal a formal L&I decision if in disagreement
  - IMPORTANT: Within 60 days of receiving the Order, or the decision will become final.

# Need help?

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## OFFICE OF THE OMBUDS FOR WORKERS OF SELF-INSURED EMPLOYERS

An independent program serving as an advocate for injured workers of self-insured employers

- Confidential resource
- Explain rights/responsibilities
- Investigate and informally resolve complaints
- Identify and recommend solutions to systemic issues

**1-888-317-0493**

**[siombuds@lni.wa.gov](mailto:siombuds@lni.wa.gov)**

**[Office of the Ombuds for Injured Workers of Self-Insured Employers - Home](#)**

## PROJECT HELP

Cooperative effort between L&I and Washington State Labor Council and can provide one-on-one counseling to help navigate claims process

**1-800-255-9752**

**<https://www.projecthelpwa.com/>**