

# LFLM Timeline-Quick Reference Guide

## Appeals

### A) **Petitions for Reconsideration:**

- a. 20 days after service of the decision. 5900 & 5903.
- b. Answer shall be filed 10 days after service of the Recon. 5905
- c. Petition deemed denied unless it is acted upon within 60 days.

### B) **Petitions for Removal:**

- a. 20 days after service of the decision. 8 CCR 10843.

### C) **Petitions for Writ of Review.**

- a. Within 45 days after a Petition for Reconsideration is filed. 5950. (**CCP 1013 extension does not apply.**) (**Camper case.**)
- b. Answer to writ is due 25 days after service of the writ. Cal Rule of Court 8.495(b) (1).
- c. Reply to Answer may be filed 15 days after Answer is filed Cal Rule of Court 8.495(b) (2).

### D) **Petition for Hearing (Supreme Court)**

- a. Within 10 days after the Court of Appeal decision is final. For purposes of this rule, the date of finality is not extended if it falls on a day on which the clerk's office is closed. Cal Rule of Court 8.500(e) (1). (**CCP 1013 extension does not apply.**)
  - i. If the Writ is denied it is final immediately.
  - ii. If the Writ is granted the decision is final within 30 days. Cal Rule of Court 8.264(b)

## Declarations of Readiness to Proceed

One must object, under penalty of perjury, within 10 calendar days after service. 8 CCR 10416.

## Panel Issues

A) **Objection to report of PTP:** Within 20 days from receipt of the report, if represented, and 30 days, if unrepresented. 4062(a)

B) **Panel Request:** If unrepresented the employer may not submit the request until after 10 days from when the form was provided to the employee. 4062.1. If represented, "at least" 10 days after mailing a request for a 4060 evaluation or the first working day that is at least 10 days after the mailing of an objection pursuant to 4061/4062.

C) **Panel Strike:** If unrepresented, the defendants cannot select a doctor unless the applicant fails to do so for 10 days after the assignment of the panel. 4062.1. If represented, within 10 days of the assignment of the panel each party may strike one name. 4062.2(c).

D) **Appointment set:** You can request a replacement panel if the QME cannot schedule an examination within 60 days of the initial request 8 CCR 31.5(a)(2) (**90 days from initial request during COVID CCR 46.2**)

E) **Report Submitted:** For the initial report, the doctor has 30 days after the evaluation. 139.2(j) (1) (A). 8 CCR 38(a). The doctor has 60 days from request to issue a supplemental report. 8 CCR 38(h). (Some exceptions.) (**Extended by 15 days during COVID 46.2**)

## Petitions for Contribution

A) Must be filed within one (1) year after the appeals board has made an award for compensation benefits. 5500.5(e)

## Serious & Willful Misconduct/132a

- A) A Petition alleging S&W must be filed within 12 months from the date of injury. 5407
- B) A 132(a) petition may not be commenced more than one (1) year from the discriminatory act. 132a

## Statute of Limitations

- A) **Notice of Injury:** Must be given within 30 days. 5400 (But see 5402 & 5403)
- B) **Filing an application:** One (1) year from any of the following: 5404 & 5405
  - a. The date of injury.
  - b. The last date benefits were paid.
- C) **Filing a Petition to Re-open**
  - a. **New and Further:** 5 years from the date of injury. 5410
  - b. **Good Cause:** The WCAB has continuing jurisdiction over its Awards and can alter same within 5 years from the date of injury. 5803 & 5804.
- D) **Death Benefits:**
  - a. Death must occur within 240 weeks from the date of injury. 5406(b).

## TTD

- A) **Limits on TTD payments**
  - a. For injuries between 4-19-2004 and 12-31-2007 104 compensable weeks within a two (2) year period from the date of commencement of TD payments 4656(c) (1).
  - b. For injuries *after* 1/1/08 104 compensable weeks within a 5 year period from the DOI.
- B) **Petitions to Terminate TTD**
  - a. After an Award of TTD by the Appeals Board you have to file a Petition to Terminate TTD and there is a rebuttable presumption that the TTD continues for at least one (1) week following the filing of the Petition. 4651.1.
  - b. Must be filed within 10 days of terminating TTD payments. 8 CCR 10462.

## UR/IMR

- A) **UR**
  - a. Prospective or concurrent decisions must be made “timely” not to exceed 5 working days from receipt of the information reasonably necessary to make the determination but in no event more than 14 days from the date of the medical treatment recommendation of the physician. 4610(g) (1). 8 CCR 9792.9.1(e) (3)
    - i. Decision must be communicated to doctor by phone or fax within 24 hours. 4610(g)(3)
    - ii. The communication by telephone shall be followed by a written communication to the physician and the applicant and their attorney within 24 hours for concurrent review and 2 business days for prospective review.
  - b. For imminent and serious threats to health the decision must be made within 72 hours of receipt of the necessary information. 4610(g) (2).
- B) **IMR**
  - a. Must be filed by the employee no later than 30 days after the service of the UR. 4610.5(h)
  - b. Insurance Company must provide relevant documents within 10 days of notice from AD that and IMR has been filed. 4610.5(l)

## COVID 19 PRESUMPTIONS

### **A) March 19, 2020 to July 5, 2020**

- a. Employees who worked at employer's location from 3/19/20-7/5/20 & was first diagnosed with COVID 19 within 14 days of the last date of work at employer's location. 3212.86
- b. Denial must be issued within 30 days of claim form being filed.

### **B) Peace Officers, Firefighters, Healthcare Workers**

- a. Peace officers, firefighters, and healthcare workers who are diagnosed with COVID 19 up to 14 days from the last day worked. 3212.87
- b. Denial must be issued within 30 days of claim form being filed.

### **C) All Other Employees**

- a. All other employees who worked at the employer's pace of employment at the employer's direction & during an OUTBREAK & are diagnosed with COVID 19 within 14 days from last day worked. 3212.88
- b. Denial must be issued within 45 days of claim form being filed.