

Conciliation

What is a Conciliation? A Conciliation is an informal meeting between the injured worker, the insurance company, and a conciliator from the DIA. At this stage, it is not required that the employee have an attorney but is encouraged to get an attorney. What conciliators try to do, is resolve the issues that brought the parties to the DIA; if that can't be done, we try to narrow and flush out the issues as best we can. Depending on whether it was an employee claim that was filed vs. an insurer's complaint to discontinue or modify benefits, determines who the moving party is. The moving party must submit supporting documents for the claim/complaint to proceed to a conference; without documentation to support the claim/complaint the case will be withdrawn, rescheduled, or held for a short period for a status date until the information becomes available to send the claim forward. Before the claim/complaint is sent to a Conference, a conciliator must write a written report called a Recommendation to the judge. The basic information that is included is: what are the issues (i.e. §§ 34, 35, 13, and 30), is liability accepted (Y/N), should the claim be paid or denied or benefits reduced or terminated, are penalties due, etc. This recommendation is a snap shot of the case, a private communication between the Judges and Conciliators, it is not admissible and let's a conciliator be free to express their opinion regarding what is really going on with the claim/complaint and point out information in the documents provided with the filing of the claim/complaint and new materials brought to a conciliation.