

Current 2025 Claims Seminar Manual

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- 2025 ICA Claims Seminar Manual



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Adjuster Authorization Program

Program Information

Internet Based Training

Class Registration

To enroll in upcoming class webinar, click: Upcoming Classes below.

Technical Requirements

The ICA uses the Google Suite; and webinars are conducted with Google Meets. The transition to G Suite may require participants to have a Google Account. Before the registering for a class, please confirm with your IT department that you are able to:

- Achieve connectivity to our resources such as the Google Meet. Install or use Google Chrome as it is the preferred browser.

If you experience problems after the above steps have been completed, feel free to contact the Commission at the number and/or email toward the bottom of this page.

Upcoming Classes

ONLINE
CLASSES

My Enrolled Classes

ENROLLMENT

My Attended Classes



Adjuster Authorization?
Log into Community Account &
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2025 Workers' Compensation Claims Seminar

JW Marriott Scottsdale Camelback Inn Resort & Spa · August 21-22, 2025

Fun with Compensability: Mastering Eligibility in Arizona Workers' Compensation

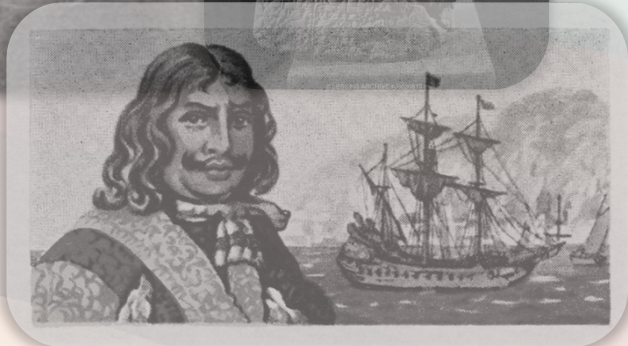


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Origins of Workers' Compensation

Sumerian Tablets, Nioppur Tablet No. 3191 (2050 BCE)

Outlines the laws of Ur Nammu King of the State of Ur that provided for monetary compensation for specific injuries to a worker's body, including fractures

Code of Hamurabi (1750 BCE)

Set out a schedule for injuries and permanent impairments

Pirates, Articles of Henry Morgan (Mid-1600s CE)

"A standard compensation is provided for maimed and mutilated buccaneers. . . Thus, they order for the loss of a right arm six hundred pieces of eight, or six slaves; for the loss of a left arm five hundred pieces of eight, or five slaves; for a right leg five hundred pieces of eight, or five slaves; for the left leg four hundred pieces of eight, or four slaves; for an eye one hundred pieces of eight, or one slave; for a finger of the hand the same reward as for the eye."

ARIZONA'S COMPENSATION LAW BRINGS JUSTICE TO ALL!



PROTECTION IS ASSURED FOR BOTH WORKMEN and EMPLOYERS!

DO NOT GAMBLE!

If you employ three or more persons do not gamble with fate, or put your trust in health or accident policies designed as substitutes for Compensation Insurance! An alternate plan is no avail, even though employees have signed rejections of Arizona compensation law provisions, unless policies conform to the letter of the regulations specified! Be sure you are covered. Consult your Industrial Commission before you accept any substitute plan.

THE INDUSTRIAL COMMISSION OF ARIZONA

Conducted and Operated on a Strictly Business Basis Solely From Funds Paid As Premiums

ARIZONA has freed its courts of litigation over compensation claims through its state compensation law. This statute is all-inclusive and is designed to be fair to both employer and employee.

Claims of both worker and employer are administered by an Industrial Commission of three members who have divergent political affiliations. No outside influences shape their decisions which are made without prejudice.

Because of the set-up under which the Industrial Commission functions all money paid into it in the form of premiums is used solely to settle claims and administer its operation. It has been able to pay claims to the amount of more than \$8,000,000. It has been proved adequately able to meet the continuing awards to widows, orphans and those permanently injured.

Through the all-inclusive features of the Arizona Industrial Act, that assures justice to all, there are no short-cuts by which it may be avoided. Employers are invited to seek information in relation to their own particular employment problems and to use the facilities offered by the Arizona Industrial Commission for mutual benefit to all.

Following an accident, employees to protect their interest, must necessarily report the accident and all details to both their employer and the Industrial Commission. This record then permits the proper handling of the case and avoids delays and misunderstandings.

Arizona Workers' Compensation System

Arizona State Constitution:

- Benefits for workers are enshrined in the constitution
- Calls for a fair and humane system
- Article 18, adopted in 1910, addresses labor
- Section 8, adopted in 1925, addresses workers' compensation



Arizona Workman's Compensation Act

- In 1925, the Arizona Workman's Compensation Act, codified at Ariz. Rev. Stat. § 23-101 et seq., established Arizona's workers' compensation system.
- Objectives of the system:
 - Broad coverage of injuries
 - Income interruption protections
 - Medical care and rehabilitation
 - Efficient delivery of indemnity and medical benefitsSee Arizona Workers Compensation Handbook P 1. Overview
- Industrial Commission of Arizona (ICA) was created to oversee state programs related to workplace safety and workers' compensation.
- State Compensation Fund (SCF) was created as part of the ICA, which offered liability insurance to Arizona employers. SCF was later reorganized as stand-alone agency to include private insurance companies, and in 2013, it was privatized and CopperPoint Mutual Insurance Company assumed its responsibilities.

Arizona Workers' Compensation System (Continued)

Arizona Workers' Compensation System (Continued)

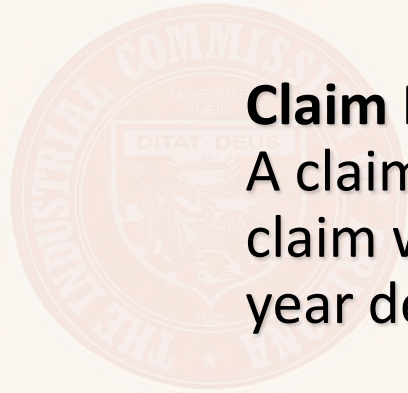
Common Law

Prior to the creation of the workers' compensation system in Arizona, a worker could sue an employer at common law for damages. Trinity of defenses (assumption of risk, contributory negligence, fellow servant rule) presented severe challenges for recovery by injured worker but presented high potential for damages against employer if successful.

Grand Bargain

Workers gave up the ability to sue at common law in exchange for a limited set of benefits expeditiously paid and full medical coverage for any medical expense. Employers gave up the right to be sued claims are covered without regard to fault within certain parameters.





Claim Filing Deadline

A claimant has **one (1) year** from the date of the injury to file a claim with the ICA. There are some limited exceptions to the one-year deadline.

Reporting Injury

Workers and physicians can report a work injury to the ICA.

Intent to File Claim

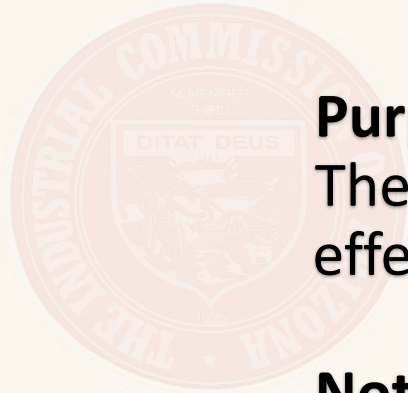
If an insurance company or self-insured employer receives a *written notification* of an injury and intent to file a claim, they *must* forward the written notification to the ICA within **seven (7) days** and inform the client of the employee's need to file the claim with the ICA. *See Ariz. Rev. Stat. § 23-1061(n).*

The one-year filing period is suspended until the written notification provided to the ICA.



Claim Initiation





Purpose of Filing Rules

The purpose of the rules is to facilitate the efficient and effective delivery of benefits.

Notice of Claim Status

Once the carrier or self-insured employer is notified of the filed claim, they have **twenty-one (21)** days to file a notice of claim status.

Consequences of Not Following the Rules

- Legal counsel will be retained
- A request for hearing will be filed, *see* Ariz. Rev. Stat. § 1061(j)
- Benefits are owed until the notice of claim status is filed, *see* Ariz. Rev. Stat. § 1061(m)
- A complaint of unfair claims processing may be filed



**Claim Initiation
(Continued)**

Compensability



Remedial

Arizona Workers' Compensation is remedial in nature and *must be liberally construed to benefit injured workers.*

No-Fault

Workers' compensation is a no-fault system. Benefits are provided without regard to the fault of either the employee or the employer. *See Burnett v. Indus. Comm'n of Ariz.*, 158 Ariz. 548, 764 P.2d 33 (App. 1988).

Willful Misconduct

Willful misconduct can present a bar to compensation, but it is extremely hard to prove.

Undocumented Workers

Undocumented workers are entitled to workers compensation benefits. Immigration status is *irrelevant* to the compensability of a claim.

Compensability



A worker is entitled to Arizona workers' compensation benefits for an injury if:

The worker “has been hired or is regularly employed” in Arizona and “receives a personal injury by accident arising out of and in the course of the worker’s employment.”

Ariz. Rev. Stat. § 23-904(A).

Compensability Employment

Employee

To be entitled to workers' compensation benefits, the claimant must be an "employee." See Ariz. Rev. Stat. § 23-901(6).

Public Servants

A person working for the state or a county, city, town, municipal corporation, or school district, including police and fire departments of cities and towns, whether by election, appointment, or contract of hire, is an "employee."

Legal or Illegal Employment

An "employee" includes aliens and minors legally or illegally allowed to work for hire.

Arizona Employee

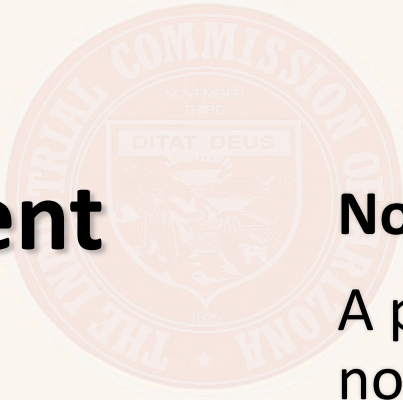
The claimant must be employed in Arizona to be entitled to benefits. Employment in Arizona however is not determined by the claimant's place of residence, location, or nature of the work to be done.



Compensability

Employment

(Continued)



Not an Employee

A person whose employment is both: (i) casual, and (ii) not in the usual course of the trade, business or occupation of the employer, is not an “employee.”

Domestic Servants

Considerations: Consider whether the claimant’s activities are conducted for a profit or to meet the needs and comfort of the employer.

Example: The labor performed by the claimant benefits the master, construction, maintenance, or repair of private properties or family.



Compensability Employment (Continued)



Independent Contractors

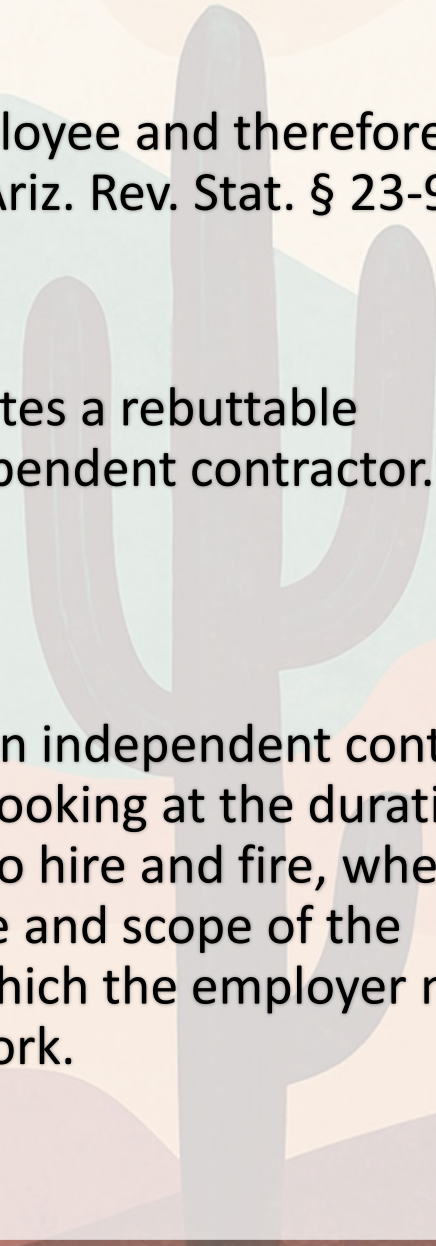
An independent contractor is not an employee and therefore not entitled to workers' compensation. See Ariz. Rev. Stat. § 23-902(C).

Agreements

An independent contract agreement creates a rebuttable presumption that the claimant is an independent contractor. See Ariz. Rev. Stat. § 23-902 (D).

Other Considerations

To determine whether the claimant is an independent contractor, consider who has the right to control by looking at the duration of employment, method of payment, right to hire and fire, whether the work is performed in the usual course and scope of the employer's business, and the extent to which the employer may exercise control over the details of the work.



Compensability Accident

An accident need only be “a” cause rather than “the cause of the injury.” *See Murphy v. Indus. Comm’n*, 160 Ariz. 482, 774 P.2d 221 (1986).

Accidental

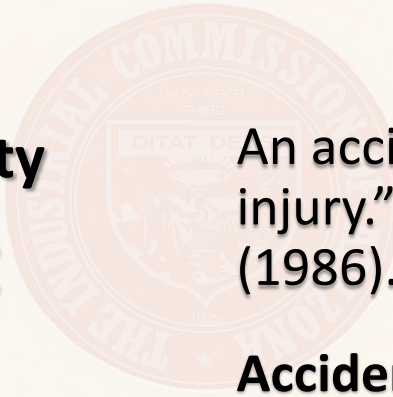
An injury is “accidental” if either the cause or the result is unexpected. *See Paulley v. Indus. Comm’n*, 91 Ariz. 266, 371 P.2d 88 (1962).

Routine exertion that causes an injury can be regarded as accidental. Risk need not be greater than the risk associated with daily living.

Intentional

Intentional acts that causes a foreseeable or expected result cannot qualify as an accident for compensation purpose. *See Glodo v. Indus. Comm’n*, 191 Ariz. 259, 955 P.2d 15 (App. 1997).

Injuries and deaths are presumed to not have been purposely self-inflicted. *See Rural Metro Corp. v. Indus. Comm’n*, 197 Ariz. 133, 3 P.3d 1053 (App. 1999).



Compensability Injury



A worker may be entitled to Arizona workers' compensation benefits if they receive an injury arising out of their employment. See Ariz. Rev. Stat. § 23-904(A).

Pre-existing Conditions

An employer takes the worker as they find them. Pre-existing conditions do not bar the ability to bring a claim for injury.

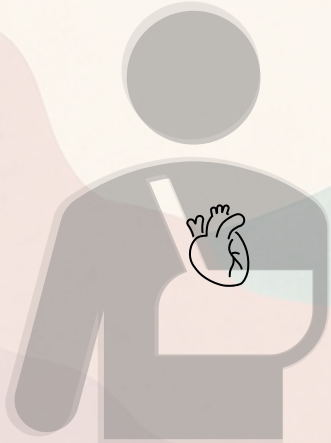
Anatomic or organic change does not require proof of injury based on aggravation of preexisting condition if injury produced "further injurious result." See *Indus. Indemn. Co. v. Indus. Comm'n*, 152 Ariz. 195, 731 P.2d 90 (App. 1986).

Gradual Injuries

Gradual injuries are compensable.

Examples of gradual injuries may include those resulting from repetitive lifting (e.g., warehouse work, deliveries); repetitive use of shoulders (e.g., painters); or continuous use of power hand tools (e.g., assembly work). See *Mandex, Inc. v. Indus. Comm'n*, 151 Ariz. 576, 729 P.2d 921 (App. 1986).

Compensability Arising Out Of



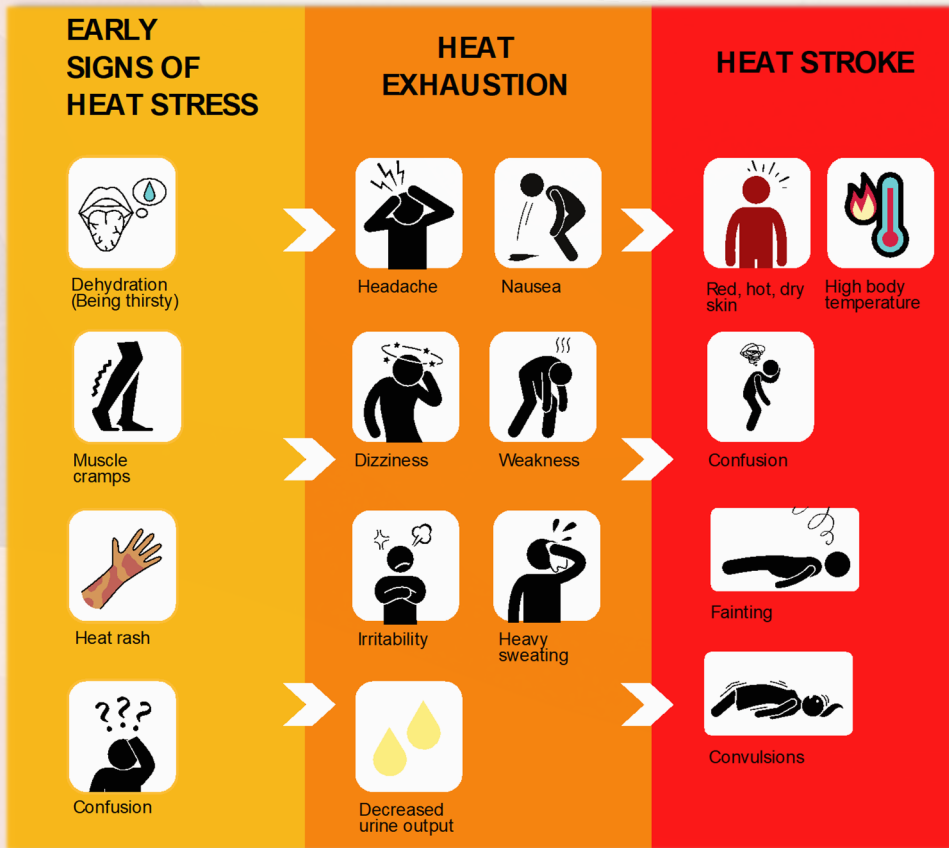
Heart-Related Injury

“A heart-related or perivascular injury, illness or death shall not be considered a personal injury by accident arising out of and in the course of employment and is not compensable pursuant to this chapter unless some injury, stress or exertion related to the employment was a *substantial contributing cause* of the heart-related or perivascular injury, illness or death.” Ariz. Rev. Stat. § 23-1043.01(A).

Substantial Contributing Cause

“Substantial Contributing Cause” means activity “more than insubstantial or slight.” See Ariz. Rev. Stat. § 23-1043.01(A); *Skyview Cooling v. Indus. Comm’n.*, 142 Ariz. 554, 691 P.2d 321 (App. 1984).

Compensability Arising Out Of (Continued)



Heat-Related Injury



Temperatures are at an all time high

Considerations

Access to cool water, rest, shade, pace of work and protective clothing.

Heat Stroke

Heat stroke is the most serious condition. Body cannot regulate its own temperature, body temperatures rise, sweating mechanism fails and unable to cool down. Can cause permanent disability or death, red hot dry skin, confusion, fainting, seizures, concussion and death.

Compensability Arising Out Of (Continued)



Mental Health-Related Injury

A mental injury, illness or condition is not considered a personal injury by accident arising out of and in the course of employment and is not compensable “unless some unexpected, unusual or extraordinary stress related to employment, or some physical injury related to the employment was a substantial contributing cause of the mental injury, illness or condition.” Ariz. Rev. Stat. § 23-1043.01(B).

Stress inherent to the nature of an employee’s work is generally not enough to qualify as unusual extraordinary or unexpected.

See Matthews v. Indus. Comm’n, 520 P.3d 168 (Ariz. 2022).



Compensability Course of Employment



A worker may be entitled to Arizona workers' compensation benefits for an injury that occurred in the course of their employment. See Ariz. Rev. Stat. § 23-904(A).

Going and Coming Rule

A trip to and from work is not within the course of employment. Exceptions:

- Premises rule; travel between employer's premises
- Special errand
- Employer conveys vehicle to employee

See Butler v. Indus. Comm'n, 50 Ariz. 516, 73 P. 2d 703 (1937).

Personal Comfort

Employees remain in the course of employment while engaging in personal comfort activities, such as: phone calls during lunch breaks, using the bathroom, or eating. However, employment must have increased the risk of injury in some way when the accident occurs during a personal comfort activity and not as a result of an employee's own personal health condition.

Compensability Course of Employment (Continued)



Recreational Social Activities: Participation in a company picnic, office party or sports team will be within the course of employment when the employer sponsored the activity to a substantial degree and the employer benefitted beyond the intangible of enhanced employee morale.

Intoxication

Intoxication is not a bar to compensability unless employment “abandoned.” *See Grammatico v. Indus. Comm’n*, 211 Ariz. 67, 117 P.3d 786 (2005).

Work Rule Violations

A violation of a rule relating to the manner in which an employee is to perform his work does not bar coverage, unless the rule violated refers to “the scope, ambit or sphere of which the employee is authorized to do.”

Assaults

As long as a dispute concerns the employment, coverage is available to the employee injured in an assault, even when they may have instigated.

Compensability Course of Employment (Continued)



Horseplay

To determine whether horseplay is a deviation from the course of employment depends on:

- (a) the extent and the seriousness of the deviation,
- (b) the completeness of the deviation (whether the activity is comingled with the performance of regular work),
- (c) the extent to which the practice of horseplay has become an accepted part of the employment, and
- (d) the extent to which the nature of the employment may be expected to include some horseplay.

Jaimes v. Indus. Comm'n 163 Ariz. 307, 787 P.2d 1103 (App. 1990).

Compensability Course of Employment (Continued)



At-Home Workforce

Pre-pandemic: 3.6% Worked Remotely from Home
Pandemic : 25-30% Worked Remotely from Home.
2023: 12.7% Work Remotely from Home

Home or Work?

Considerations for whether a home qualifies as work premises for workers' compensation:

- Quantity and regularity of work
- Continuing presence of work equipment at home
- Special benefits to employer or personal convenience to employee

What principals would we have to apply?

- Arising out of
- Course and scope

Issues will arise

- Personal comfort: reasonable and foreseeable
- Personal errand: abandonment of employment



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