

# Industrial Commission of Arizona

**Administrative Law Judge Division**

# Administrative Law Judge ("ALJ")

The Spirit of Arizona

Industrial Commission Building, Phoenix, AZ



# WHO WE ARE

## **ALJ DIVISION**

- **VISION STATEMENT**

The **VISION** of the **ALJ DIVISION** is to serve the citizens of Arizona (our customers) in our capacity as the administrative tribunal of the ICA resolving disputes that arise in a timely, impartial and equitable manner in order to promote the health and safety of Arizona's citizens in the workplace. We strive to be transparent, accessible and accountable with the goal of continuous daily improvement in problem solving and processes as an effective, efficient and responsive Division of the ICA.

- **MISSION STATEMENT**

The **MISSION** of the ALJ Division is to resolve disputed matters in workers' compensation, youth employment and wages efficiently, impartially and equitably as the administrative tribunal of the ICA in matters that arise under the jurisdiction of the ICA.

# Who We Are Leadership

- Michael A. Mosesso, Chief ALJ
- Gary Israel, Vice Chief ALJ, Tucson
- Melinda K. Poppe, Vice Chief ALJ,  
Phoenix
- Jonathan Hauer, Vice Chief ALJ, Phoenix
- C. Andrew Campbell, Vice Chief ALJ,  
Phoenix

## Who We Are

Administrative Law Judges are appointed by the Industrial Commission under its appointment authority, A.R.S. § 23-108.02.

Unlike other jurisdictions, our Administrative Law Judges must be licensed to practice law in this state.

Currently, eighteen Administrative Law Judges serve in this capacity. We also have sixteen support staff members to ensure the needs of the public are met.

# Who We Are

- PHOENIX JUDGES:

Michelle Bodi

Marceline Lavelle

Colleen Marmor

Janet Weinstein

Paula Eaton

Rachel Morgan

Amy Foster

J. Mathew Powell

Kenneth Hill

Jeanne Steiner

# Who We Are

- TUCSON JUDGES:

Luann Haley

# NEW DEVELOPMENTS

- STATE OF ARIZONA EXECUTIVE ORDER 2020-29 (EFFECTIVE APRIL 14, 2020)

## INCREASED TELEMEDICINE ACCESS FOR WORKERS' COMPENSATION

Telehealth services are covered.

IME: In person is not required.

Benefits may not be suspended for a refusal to submit to an in-person IME (suspected fraud exception/ ICA approval required).



# NEW DEVELOPMENTS

- INDUSTRIAL COMMISSION OF ARIZONA SUBSTANTIVE POLICY STATEMENT (EFFECTIVE MAY, 15, 2020)
- COVID-19 WORKERS' COMPENSATION CLAIMS

CLAIMS *MAY NOT* BE CATEGORICALLY DENIED  
LIKE ANY OTHER CLAIM, A DENIAL MUST BE  
“WELL- GROUNDED IN FACT” AND A REASONABLE  
INVESTIGATION (DUTY TO INVESTIGATE).

BE WARY OF BAD FAITH

# ONLINE RESOURCES

ICA WEB SITE <https://www.azica.gov/>

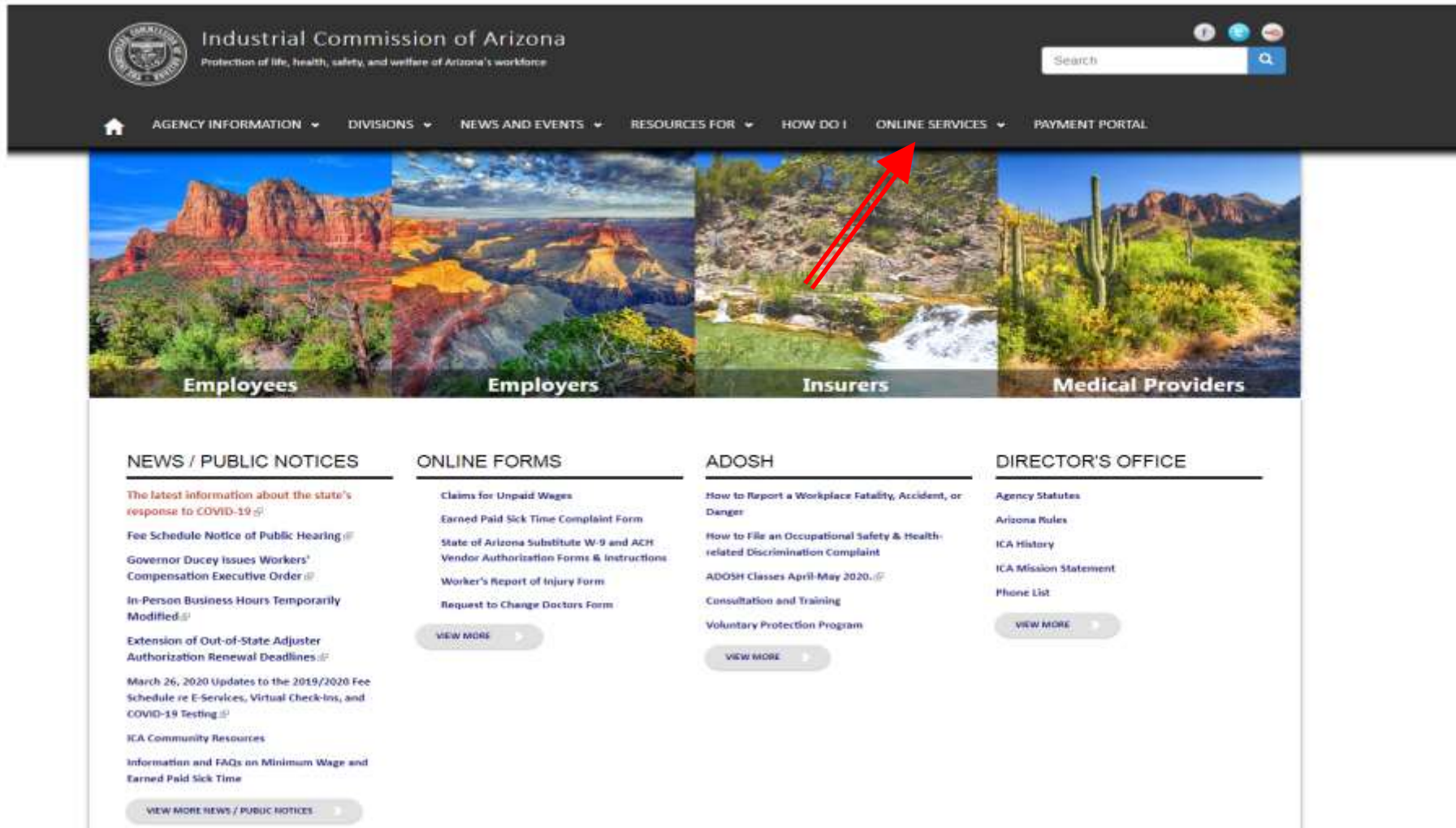
ONLINE FORMS: 58 TOTAL

## CLAIMS:

(REQUEST FOR HEARING (446), PETITION TO REOPEN (528), PETITION FOR REARRANGEMENT(529), WORKER'S REPORT OF INJURY (407) AND OTHERS);

ALJ; LABOR; ACCOUNTING; ADOSH; LEGAL; MRO  
AND SPECIAL FUND

# Resources Online Services



The screenshot displays the homepage of the Industrial Commission of Arizona. The header features the agency's logo, name, and tagline, along with a search bar and social media icons. A navigation bar contains links to various sections, with 'ONLINE SERVICES' highlighted by a red arrow. Below the navigation bar is a banner with four images representing different stakeholder groups: Employees, Employers, Insurers, and Medical Providers. The main content area is divided into four columns: NEWS / PUBLIC NOTICES, ONLINE FORMS, ADOSH, and DIRECTOR'S OFFICE, each listing relevant information and providing a 'VIEW MORE' button.

**Industrial Commission of Arizona**  
Protection of life, health, safety, and welfare of Arizona's workforce

Search

HOME AGENCY INFORMATION DIVISIONS NEWS AND EVENTS RESOURCES FOR HOW DO I **ONLINE SERVICES** PAYMENT PORTAL

**Employees** **Employers** **Insurers** **Medical Providers**

**NEWS / PUBLIC NOTICES**

The latest information about the state's response to COVID-19

Fee Schedule Notice of Public Hearing

Governor Ducey Issues Workers' Compensation Executive Order

In-Person Business Hours Temporarily Modified

Extension of Out-of-State Adjuster Authorization Renewal Deadlines

March 26, 2020 Updates to the 2019/2020 Fee Schedule re E-Services, Virtual Check-Ins, and COVID-19 Testing

ICA Community Resources

Information and FAQs on Minimum Wage and Earned Paid Sick Time

[VIEW MORE NEWS / PUBLIC NOTICES](#)

**ONLINE FORMS**

Claims for Unpaid Wages

Earned Paid Sick Time Complaint Form

State of Arizona Substitute W-9 and ACH Vendor Authorization Forms & Instructions

Worker's Report of Injury Form

Request to Change Doctors Form

[VIEW MORE](#)

**ADOSH**

How to Report a Workplace Fatality, Accident, or Danger

How to File an Occupational Safety & Health-related Discrimination Complaint

ADOSH Classes April-May 2020

Consultation and Training

Voluntary Protection Program

[VIEW MORE](#)

**DIRECTOR'S OFFICE**

Agency Statutes

Arizona Rules

ICA History

ICA Mission Statement

Phone List

[VIEW MORE](#)

# Resources Online Services

The screenshot shows the website of the Industrial Commission of Arizona. The header includes navigation links for State Agencies, State Services, Visit OpenBooks, and Ombudsman-Citizens Aide. The main header features the Industrial Commission of Arizona logo and name, with the tagline "Protection of life, health, safety, and welfare of Arizona's workforce." A search bar is located on the right. Below the header is a navigation menu with links for Home, AGENCY INFORMATION, DIVISIONS, NEWS AND EVENTS, RESOURCES FOR, HOW DO I, and ONLINE SERVICES. The main content area is titled "Administrative Law Judge Division" with the subtitle "Resolving disputed workers' compensation, labor, and other matters efficiently, impartially, and equitably." The page is divided into three columns: CONTACT INFO, ALJ DIVISION RESOURCES, WORKERS' COMPENSATION RESOURCES, and LABOR RESOURCES. The CONTACT INFO column lists the Phoenix and Tucson offices, including addresses, phone numbers, and fax numbers. The ALJ DIVISION RESOURCES column lists links to ALJ Hearings for Unrepresented Workers FAQs, ALJ Audiencias de los Trabajadores que son menos Representados FAQs, Video Guide to Workers' Compensation Hearings, Full and Final Settlement: Information and Suggested Best Practices, and ICA Community. The WORKERS' COMPENSATION RESOURCES column lists links to Claims Division, Commission Ombudsman, ICA Community, Workers' Compensation Statutes, and Workers' Compensation Administration Rules. The LABOR RESOURCES column lists links to Labor Department, Minimum Wage and Earned Paid Sick Time FAQs, Frequently Asked Questions about Wage Claims, Article 12. Arizona Minimum Wage and Earned Paid Sick Time Practice and Procedure Rules, and Administrative Rules.

State Agencies State Services Visit OpenBooks Ombudsman-Citizens Aide

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Protection of life, health, safety, and welfare of Arizona's workforce

Search

Home AGENCY INFORMATION DIVISIONS NEWS AND EVENTS RESOURCES FOR HOW DO I ONLINE SERVICES

Home > Divisions > ALJ Main Page

## Administrative Law Judge Division

Resolving disputed workers' compensation, labor, and other matters efficiently, impartially, and equitably.

### CONTACT INFO

Michael A. Mosesso,  
Chief Administrative Law Judge

**Phoenix Office:**  
800 W Washington St  
Phoenix, AZ 85007  
Phone: (602) 542-5241  
Fax: (602) 542-4135

**Tucson Office:**  
2675 East Broadway  
Tucson, AZ 85716  
Phone: (520) 628-5188  
Fax: (520) 628-5182

ALJ Personnel Phone List

ALJ Forms

### ALJ DIVISION RESOURCES

- ALJ Hearings for Unrepresented Workers FAQs (English) (PDF-Version)
- ALJ Audiencias de los Trabajadores que son menos Representados FAQs (Español) (PDF-Version)
- Video Guide to Workers' Compensation Hearings
- Full and Final Settlement: Information and Suggested Best Practices (For Settlements Submitted on or After August 3, 2018) (PDF)
- ICA Community

### WORKERS' COMPENSATION RESOURCES

- Claims Division
- Commission Ombudsman
- ICA Community
- Workers' Compensation Statutes (Title 23, Chapter 6)
- Workers' Compensation Administration Rules (Title 20, Chapter 5) (PDF)

### LABOR RESOURCES

- Labor Department
- Minimum Wage and Earned Paid Sick Time FAQs
- Frequently Asked Questions about Wage Claims
- Article 12. Arizona Minimum Wage and Earned Paid Sick Time Practice and Procedure Rules (PDF)
- Administrative Rules (Title 20, Chapter 5)

# ONLINE RESOURCES

- ICA WEB SITE
- CLAIMS: SALESFORCE SYSTEM
- ALJ: SALESFORCE CASE MANAGEMENT SYSTEM
- ICA Community:  
<https://azicawc.force.com/claims/s/>

# ICA COMMUNITY



## Industrial Commission of Arizona

Protection of life, health, safety, and welfare of Arizona's workforce

Login

[Home](#)

[Contact Us](#)

### Welcome to the ICA Community!

*Protection of life, health, safety, and welfare of Arizona's most valuable assets*



**New user? Request access to a Worker's Compensation Claim and ALJ File. Already registered? Please login**

Claim number

Party Type

If claim number is unknown, please [Contact Us](#)

#### FORMS

The following web forms are available to complete online and submit directly to the Industrial Commission to begin the process as indicated on the form. Additional forms are available upon login.

[Employer Report of Injury Form - 0101](#)

[Worker's Report of Injury Form - 0407](#)

[Request for Hearing - 0446](#)

[Petition for Rearrangement - 0529](#)

[Request to Change Doctors - 0121](#)

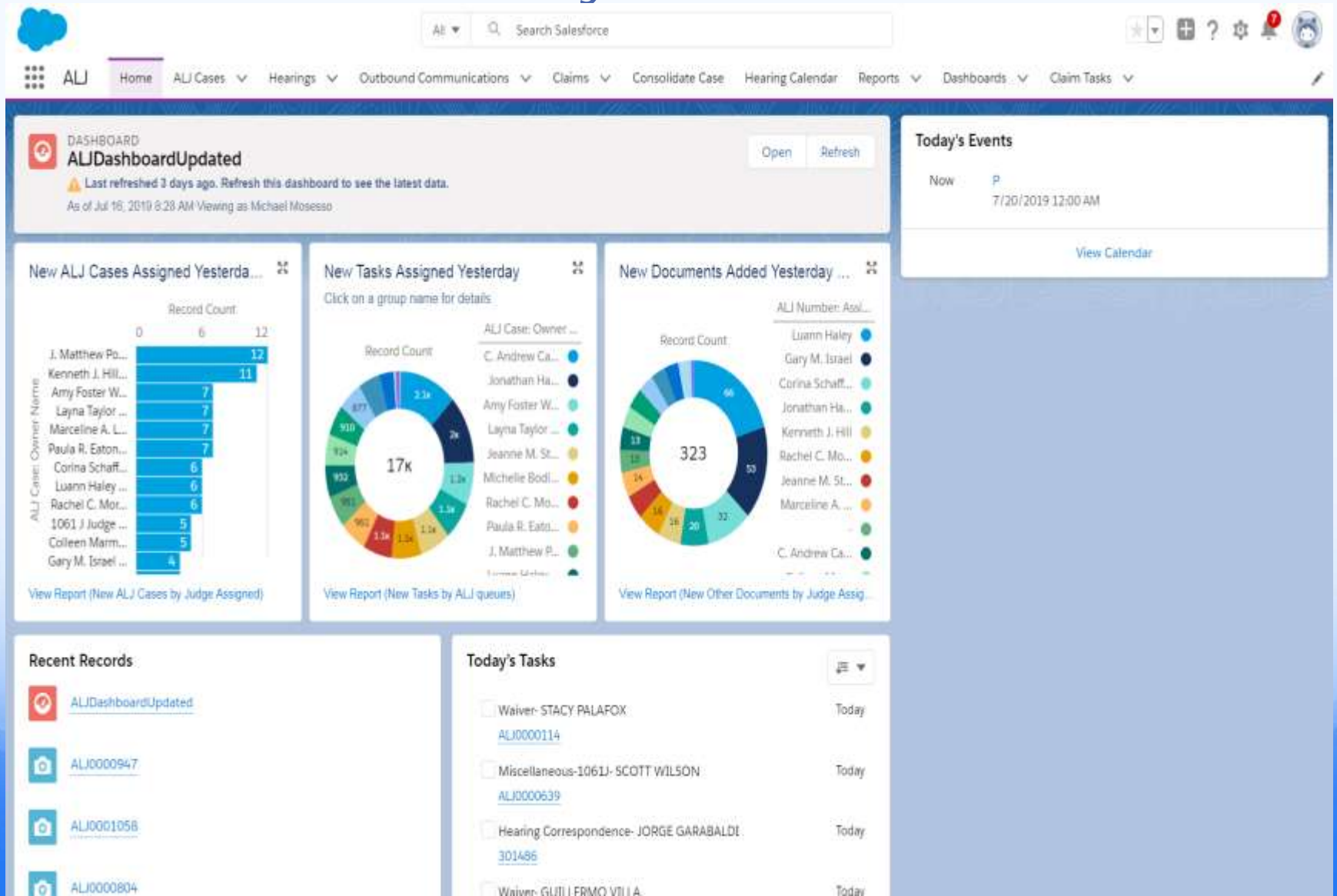
[Request to Leave State - 0122](#)

[Request Petition to Reopen - 0528](#)



# SALESFORCE

## ALJ VIEW



# ALJ SALESFORCE COMMUNITY VIEW

Industrial Commission of Arizona  
Protection of life, health, safety, and welfare of Arizona's workforce

[Home](#) [Contact Us](#)

Welcome to the ICA Community!

Protection of life, health, safety, and welfare of Arizona's most valuable assets.

**New user? Request access to a Worker's Compensation Claim and ALJ File. Already registered? Please login**

Claim number:

File type:

If claim number is unknown, please [Contact Us](#)

**FORMS**

The following web forms are available to complete online and submit directly to the Industrial Commission to begin the process as indicated on the form. Additional forms are available upon login.

- Employer Report of Injury Form - 0101
- Petition for Reassignment - 0529
- Request for Hearing - 0446
- Request Petition to Reopen - 0528
- Request to Change Doctors - 0121
- Request to Leave State - 0122
- Worker's Report of Injury Form - 0407



# Current State FY Hearing Statistics

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Claims filed	122,101	102,870	93,797	95,446	99,215	97,730	94,611	92,384	85,301	91,168	72,330	96,645	117,315
Referrals	6,860	6,971	7,129	6,523	6,928	7,136	7,019	6,885	6,287	5,782	5,643	5,640	5,608
Hearings	5,157	5,128	4,692	5,175	4,989	5,190	5,577	5,548	5,378	5,308	4,793	5,101	4,755
Total Awards	6,353	6,923	6,747	6,474	6,469	6,628	6,612	6,388	6,201	5,880	5,568	5,072	4,620
Awards Without Hearing	4,252	4,676	4,697	3,005	2,898	2,919	2,761	2,607	2,101	1,708	1,705	1,421+	1,262
Avg. Turnaround-days	109	111	106	112	-----	-----	93	108	126.6	127.4	121.6	121	126
CSA AWARDS								1267	1195	1138	1129	691	665
Full and Final Awards											24	303	545
1061(J) Referrals	231	824	846	960	1,096	1,193	1,080	1,030	954	944	986	802	875

# Goals and Results

- Reduce Average decision time for substantive awards to 30 days from submission:

June 2020: All awards: 358, avg. 12 days / Substantive: 60, avg. 34 days

FY 2020: All Awards: 4620, avg. 12 days / Substantive: 1071, avg. 27 days

- # substantive awards issued more than sixty days from submission:

June 2020: 8 (87% within 60 days)

FY 2020: 62 (94% within 60 days)

- Full and Final Settlements

June 2020: 47, avg. 3 days / FY2020: 547, avg. 6 days.

# Types of Cases Assigned to Us

- Workers' Compensation (95%)
- **Civil Penalties** for Lack of Workers' Compensation Insurance
- **Arbitrations** Under A.R.S. § 38-961 (Public Safety Employees)
- **Minimum Wage and Child Labor**
- **Earned Paid Sick Time**

# Workers' Compensation Matters: Assigned Without a Hearing

**CSA/Stip:** Disputed Benefits: *Safeway Stores, Inc. v. Industrial Comm'n*, 152 Ariz. 42, 47-48, 730 P.2d 219, 224-225 (1986). *Holsum Bakery v. Industrial Comm'n*, 191 Ariz. 255, 955 P.2d 11 (App. 1997).

**Supportive Care** (Undisputed): A.R.S. § 23-941.01- repealed- October 31, 2017; reinstated August 3, 2018 as A.R.S. § 23-941.03.

**Motions:** Protective Order: IMEs: A.R.S. § 23-1026; A.A.C. R20-5-114: Vexatious Litigant A.R.S. § 23-941.02

**Full and Final Settlement-** A.R.S. § 23-941.01- effective October 31, 2017; modified August 3, 2018.

# Workers' Compensation Matters: Assigned with a Hearing

**RFH** referred from claims, in response to Notices or Awards

**A.R.S. § 23-1061(J):** Investigation-Vice Chief- duty judge (Communication, civil, professional and reasonable) FAST TRACK Early Settlement Conference pilot program (July 2020)

**A.R.S. § 23-1026(E):** Motions for suspension of benefits (refusal of reasonable medical care)

Majority of these types of cases result in **DWO**-Disposed Without Hearing, **DUH**-Decisions Upon Hearing, or some type of settlement (CSA/Stip/Full and Final)

# Motions for Protective Order

- IMEs: An applicant must attend a medical examination at the request of the employer or carrier from time to time at a place reasonably convenient for the applicant. A.R.S. § 23-1026.
- An applicant is excused from attending if the IME is unnecessary, cumulative or could be reasonably and timely scheduled with an appropriate physician where the applicant resides. A.R.S. § 23-1026.
- Governor's Executive Order from April 14, 2020: telemedicine is allowed and covered; IMEs can be conducted using remote media and benefits may not be suspended for not attending an in-person IME.

# Motions for Protective Order

- The IME notice must be sent to the applicant at least 15 days before the scheduled examination. A.A.C. R20-5-114.
- An applicant must file a motion for protective order to request that the examination not be held or that it be modified in some way within **3 days** of receiving the notice. A.A.C. R20-5-114.
- The employer or carrier has **3 days** to respond and should do so through counsel. A.A.C. R20-5-114.
- The ALJ can grant the motion and excuse the applicant from attending the IME, deny the motion or specify the terms and conditions of the IME to protect the applicant from “annoyance, embarrassment oppression, or undue burden or expenses”. A.A.C. R20-5-114.

# Vexatious Litigants

## A.R.S. § 23-941.02

MOTION OF A PARTY

30 DAYS TO RESPOND

VEXATIOUS CONDUCT:

REPEATED FILING

UNREASONABLY EXPANDING OR DELAYING

BRINGING OR DEFENDING CLAIMS

WITHOUT SUBSTANTIAL JUSTIFICATION

ABUSE OF DISCOVERY

UNREASONABLE, REPETITIVE REQUESTS



# Full and Final Settlements

Awards Entered (FY 2020)

TOTAL AWARDS: 547, avg. 6 days

REPRESENTED:

336 AWARDS, avg. 8 days

UNREPRESENTED:

211 AWARDS, avg. 4 days

# Full and Final Settlements

## A.R.S. § 23-941.01

(effective 8/3/18)

- Full and Final Settlement means a settlement in which the injured worker (estate or dependents) **waive any future entitlement and right to benefits** on the claim and any **future rights to rearrange {23-1044(F)}**, or **reopen the claim {23-1061(H)}**.
- The claim must be an **accepted claim**. It does not apply at the compensability stage.
- The applicant must be **medically stationary (the period of temporary disability is terminated by: (1) a final notice of claim status; (2) award of the Commission; or (3) stipulation of the interested parties. [Stipulation to closure, in the agreement, is permissible. Include documentation establishing closure of the claim]**
- The agreement **can not settle** a claim that resulted in **total and permanent disability**.
- The agreement **can not settle claims unrelated** to the claim for compensation, benefits, penalties, and interest.

# Full and Final Settlements

## A.R.S. § 23-941.01

- Filing Requirements, required by statute:
  - In **writing**.
  - **Signed** by the parties or their *authorized representative*.
  - Acknowledge that the injured worker had the opportunity to seek legal advice and be represented by counsel.
  - Include a detailed **description** of the injured worker's **medical conditions** that have been **identified and contemplated** at the **time of the agreement**.
  - Have attached the information provided pursuant to subsection C, paragraphs 2 and 3, i.e., the medical expense disclosure and indemnity disclosure.

# Full and Final Settlements

## A.R.S. 23-941.01

- Filing Requirements, **Attestations** required by Statute

### Injured Worker:

- **Understands** that **monies** received for future medical treatment for the industrial injury **should be set aside** to ensure that the **costs of the treatment** will be paid. Include a statement about the injured worker's understanding of the need to set aside monies for future medical treatment *and* a detailed statement explaining *how* the injured worker **plans** to set aside monies.
- **Understands** the **rights settled** and released by the agreement. Include a statement regarding the claimant's understanding that, specifically, the right to **reopen and rearrange** are being **settled and released**.

# Full and Final Settlements

## A.R.S. § 23-941.01

- Filing Requirements, **Attestations** required by Statute  
**Injured Worker (or All Parties?)**
- The employee **has been provided information** from the carrier, Special Fund or self-insured employer that outlines the **future medical and indemnity costs** as set forth above.

(Do not forget the disclosure of the amount of the settlement that represents medical benefits)

(Do not forget the indemnity disclosure requires the present value of any future indemnity benefits, the discount rate used to calculate present value, and the amount of the settlement that represents indemnity)

# Full and Final Settlements

## A.R.S. § 23-941.01

- Filing Requirements, **Attestations** required by Statute

### **All parties:**

- The parties have conducted a search for and taken reasonable steps to satisfy any **identified medical liens** and **unpaid medical charges**. (Include a detailed discussion of all steps taken by the parties.)
- The parties have considered and taken reasonable steps to protect any interests of **medicare, medicaid, the indian health service** and the **VA**.
- No coercion, duress, fraud, misrepresentation or undisclosed additional agreements have been used to achieve the Full and Final settlement.

# Investigations Under A.R.S. § 23-1061(J)

- The Commission investigates any claim in which it appears that the claimant has not received benefits to which he or she is entitled.
- If the Commission determines that payment or denial of compensation is improper in any way, it will hold a hearing within sixty days after receiving notice of such impropriety.
- This is not a remedy available to defendants.
- This is not a remedy by the applicant to obtain the carrier file. That request should be by separate motion citing to Rule R20-5-131.

# Investigations Under A.R.S. § 23-1061(J)

- 1061(J)s are filed in the Claims Division and a memorandum is generated with instructions and requesting a response. They are then processed in the ALJ Division.
- When responding to a 1061(J), that has been filed, attach supporting documents and respond within the 10 days as listed in the memorandum from claims. The new Claims Portal allows for electronic filing of any request hearing including a 1061(J) request for investigation and has a feature where supporting documents can be attached by the applicant. The Rules of Procedure require that a copy of the response be sent to claimant or counsel (if represented).



# 1061(J) Notification Letter

## THE INDUSTRIAL COMMISSION OF ARIZONA



### CLAIMS DIVISION

DALE L. SCHULTZ, CHAIRMAN  
JOSEPH M. HENNELLY, JR., VICE CHAIR  
SCOTT P. LeMARR, MEMBER  
ROBIN S. ORCHARD, MEMBER

P.O. BOX 19070  
PHOENIX, ARIZONA 85005

Claims Division: (602) 542-4661  
Claims Division Fax: (602) 542-3373

JAMES ASHLEY, DIRECTOR

August 11, 2016

RE: Injured Worker:  
ICA Case No:  
Date of Injury:  
Carrier Claim No:

Dear Claims Representative:

Enclosed is a copy of the injured workers request for an investigation pursuant to A.R.S. §23-1061(J).

Please review your file and submit a response within ten (10) days from the date of this letter. Send your response to:

Melinda K. Poppe, Vice Chief Administrative Law Judge  
PO Box 19070  
Phoenix AZ 85005-9070

**A copy of your response should also be sent to the claimant or to his/her attorney, if the claimant is represented.**

Failure to submit a response will result in this case being assigned to an administrative law judge and set for hearing.

Thank you for your anticipated cooperation.

---

Robert P. Galyen (602) 542-3397  
The Claims Division

# 1061(J) Notification Letter Text

- Enclosed is a copy of the injured worker's request for hearing filed August 9, 2018, pursuant to A.R.S. §23-1061(J).
- Please review your file and submit a response within ten (10) days from the date of this letter. Send your response to:

MELINDA K. POPPE, Vice Chief Administrative Law Judge

PO Box 19070

Phoenix, AZ 85005-9070

# 1061 (J) Notification Letter Text

## Cont'd

- Pursuant to A.A.C. R20-5-154, you are required to send a copy of the response to the claimant or to his/her attorney, if the claimant is represented.
- Failure to submit a response will result in this case being assigned to an administrative law judge and set for hearing. Failure to respond may be considered “unfair claims processing practices.” See A.A.C. R20-5-163(B).

# Investigations Under A.R.S. § 23-1061(J)

- The most important aspect in the resolution of 1061(J)s is communication. It is important to remember to be civil, professional and reasonable.
- The duty judge may request additional information from both parties. It is important to respond, usually within 10 days of the inquiry of the duty ALJ otherwise an Award will be issued. There may be consequences for any inaction.

# Investigations Under A.R.S. § 23-1061(J)

## FY Statistics

[illegible]

# OTHER STATISTICS

- Of the 875 1061(J) Requests that were filed in FY2020, 373 were referred to hearing after investigation.
- In other words, 427 (48.9%) 1061(J) matters were resolved during the ICA investigation stage which is an increase from the 20% resolved in FY 19 and 26.9% resolved in FY18 and 19.7% resolved in FY17.
- Of the 373 matters referred to hearing, 324 or approximately 87% of the referrals are a DIRECT RESULT OF THE CARRIER'S FAILURE TO RESPOND TO THE 1061(J) INQUIRY LETTER (remember the language from the Claims Manual about BAD FAITH...?)

# What We Do

## Workers' Compensation Hearing Process

- A request for hearing triggers the hearing process and the matter is referred to the ALJ Division.
- Carriers and corporate employers must retain counsel once a workers' compensation file is referred to the ALJ Division.

# Request for Hearing

INDUSTRIAL COMMISSION OF ARIZONA	
<b>IMPORTANT:</b> This completed form must be filed at an Industrial Commission office. (See addresses below.)	
<b>REQUEST FOR HEARING</b>	
<b>as</b> _____ Injured Worker	Social Security No. _____
_____	ICA Claim No. _____
_____	Ins. Carrier Claim No. _____
_____	Date of Injury _____
Defendant Employer _____	
Defendant Insurance Carrier _____	
Person Requesting Hearing: _____	
A hearing is requested on: (Check appropriate box)	
<input type="checkbox"/> Notice of Claim Status dated: _____ MONTH/YEAR	
<input type="checkbox"/> Notice, Award, Order or Decision by The Industrial Commission of Arizona dated: _____ MONTH/YEAR	
<input type="checkbox"/> A.R.S. §23-106(K) or <input type="checkbox"/> Other: _____	
State reason for the request: _____	
Hearing requested at city or town of: _____ Estimated length of hearing: _____	
I request that subpoenas be issued for the following witnesses to appear and testify at hearing:	
(a) _____	(b) _____
(c) _____	(d) _____
<input type="checkbox"/> Interpreter requested Specify Language: _____	
<small>Copies of the Arizona Workers' Compensation Laws and Arizona Workers' Compensation Practice and Procedure and information about the Industrial Commission of Arizona claims and hearing process are available at the Industrial Commission offices and through the ICA web-site located at <a href="http://www.ica.az.gov">www.ica.az.gov</a></small>	
Signature of person or the person's authorized representative requesting hearing is REQUIRED. Date: _____	
(Address of Injured Worker Only) Telephone No. _____	
City State Zip _____	
<b>IMPORTANT:</b> You will be notified of hearing date in writing by mail. You must keep the Administrative Law Judge advised of any address change.	
Phoenix: Industrial Commission of Arizona P.O. Box 19819 Phoenix, Arizona 85066-9519	Tucson: Industrial Commission of Arizona Office: 2875 E. Broadway Tucson, Arizona 85718-5142
Scottsdale address: 880 W. Washington Street Phoenix, Arizona 85007-0922	
<small>The mandatory requirement that the social security number be included in forms filed with the Claims Division or Special Fund Division of the Industrial Commission of Arizona is provided by Section 222(c)(2) of the Federal Privacy Act of 1974, pursuant to the Commission's terms, prescribed under the Commission's Rules in accordance prior to January 1, 1975, required disclosure of the social security number. The number is used as a means of identifying all the various records in the Claims Division or Special Fund and pertaining to all individuals. The use of social security numbers is made necessary because of the large number of persons who have similar names and birth dates, and whose identities can only be distinguished by the social security number.</small>	
<small>THE INDUSTRIAL COMMISSION COMPLIES WITH THE AMERICAN WITH DISABILITIES ACT OF 1990. IF YOU NEED THIS DOCUMENT IN AN ALTERNATIVE FORMAT, CONTACT CLAIMS AT 800/541-4587.</small>	
<small>ICP-100 (Rev. 04-01-00)</small>	
INDUSTRIAL COMMISSION OF ARIZONA	



# REQUEST FOR HEARING

Inbox (4,405) - mich... x State of Arizona - Cal... x State of Arizona - Cal... x New Mail x Can I Give My Dog P... x Request for Hearing x BEFORE THE INDUST... x BEFORE THE INDUST... x

file:///C:/Users/michaelm/Desktop/0446%20Claims\_RequestForHearing\_Master\_053018.pdf



**INDUSTRIAL COMMISSION OF ARIZONA**  
800 W WASHINGTON STREET  
PHOENIX, ARIZONA 85007  
(602) 542-4661

**REQUEST FOR HEARING**

vs. Last Name	First Name MI	Social Security No. *
Defendant Employer		KCA Claim No.
Defendant Insurance Carrier		Ins. Carrier Claim No.
		Date of Injury

**Person Requesting Hearing**

A hearing is requested on: (check appropriate box)

☐ Notice of Claim Status dated:

or

☐ Notice, Award, Order or Decision by The Industrial Commission of Arizona dated: or

☐ A.R.S. §23-1951(L) or ☐ Other:

State reason for this request:

Hearing requested at city or town of:  Estimated length of hearing:

I request that witnesses be heard for the following witnesses to appear and testify at hearing:

(X)	Name	Address
( )	Name	Address
( )	Name	Address

☐ Interpreter requested Specify Language:

Copies of the Arizona Workers' Compensation Laws and Arizona Workers' Compensation Practice and Procedure and information about the Industrial Commission of Arizona claims and hearing process are available at the Industrial Commission offices and through the ICA web site located at: [www.ica.gov](http://www.ica.gov)

**Signature of person or the person's authorized representative requesting hearing is REQUIRED.** Date:

Address:  Telephone No.:

City:  State:  Zip:  Email Address:

**IMPORTANT:** You will be notified of hearing date in writing by mail. You must keep the Administrative Law Judge advised of any address change.

Phoenix:	Industrial Commission of Arizona P.O. Box 18078 Phoenix, Arizona 85060-0078 <a href="http://www.ica.gov">www.ica.gov</a> 800 W. Washington Street Phoenix, Arizona 85007-2820	Tucson:	Industrial Commission of Arizona 2675 E. Broadway Tucson, Arizona 85718-6140
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The mandatory requirement that the social security number be included in forms filed with the Claims Division or Special Fund Division of the Industrial Commission of Arizona is permitted by Section 13622(f) of the Federal Privacy Act of 1974, because the Commission's forms, prescribed under the Commission's Rules in existence prior to January 1, 1975, required disclosure of the social security number. The number is used as a means of identifying all the various records in the Claims Division or Special Fund pertaining to an individual. The use of social security numbers is made necessary because of the large number of persons who have similar names and birth dates, and whose identities can only be distinguished by the social security number.

THE INDUSTRIAL COMMISSION COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT OF 1990. IF YOU NEED THIS DOCUMENT IN ALTERNATIVE FORMAT CONTACT CLAIMS AT (602) 542-4661.

0446 Claims\_Reques...p... Show all

# Request for Hearing

Dear Sirs,

I do not agree with this notice and  
wish a hearing on the matter.

Yours

# Workers' Compensation Hearing Process

- Scheduling Cases for Hearing

Assignment of Cases - Random and Electronic

Location of Hearings, A.R.S. § 23-941(D)

Change of Judge, Affidavits, A.R.S. § 23-941

Vexatious Litigants, A.R.S. §23-941.02

Continuances

# A.R.S. 23-941(I),(J),(K)(5)

- 23-941(I) “Any interested party is entitled to one change of Administrative law judge as a matter of right.”
- 23-941(J) An interested party may file an affidavit for change of administrative law judge for **cause**.
- 23-941(K)(5)[T]he party filing the affidavit has cause to believe and does believe that on account of the bias, prejudice or interest of the administrative law judge the party cannot obtain a fair and impartial hearing.

# HEARING PROCESS STEPS

To understand the **hearing process** that results in a decision/award by a presiding administrative law judge, the following may be of some help. An outline of steps from the initial request for hearing through an award:

1. Notice is issued by the insurance carrier.
2. Request for hearing is filed with the ICA by applicant.
3. ICA Claims refers the file to ALJ through Salesforce case management.
4. The ALJ file is electronically created in Salesforce case management.
5. Salesforce electronically assigns the file on a random basis to a presiding ALJ.
6. The presiding ALJ issues a Notice of Hearing which is the initial hearing in the matter.
7. At the initial hearing applicant and lay witness testimony is taken and the need for further hearings for medical witnesses is decided.

# NOTICE OF HEARING

## BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

Applicant(s),
vs.
Defendant Employer (s),
Defendant Insurance Carrier(s),

ICA Claim No. \_\_\_\_\_  
Ins. Claim No. \_\_\_\_\_  
Date of Injury: \_\_\_\_\_  
ALJ Case No. ALJ0000

### NOTICE OF HEARING

**YOU ARE HEREBY NOTIFIED** that hearing has been set in the above matter for **01:30 PM** on **08/29/2019**  
at:

**Industrial Commission of Arizona**  
**800 WEST WASHINGTON STREET, PHOENIX AZ 85007**

and that at said time and place The Industrial Commission of Arizona will proceed to hear and dispose of all issues presented in the manner prescribed by law.

The submission, filing, presentation and consideration of evidence, as well as the conduct of the hearing, will be in accordance with and governed by the Arizona Workers' Compensations Practice and Procedure Rules. All parties will be deemed to have knowledge of said Rules.

The Industrial Commission of Arizona

C. Andrew Campbell

C. Andrew Campbell (Jul 1, 2019)

C. Andrew Campbell

Administrative Law Judge

(602) 542-5661

Date Signed: Jul 1, 2019

The Industrial Commission complies with the Americans with Disabilities Act of 1990. If you need this document in alternative format, call (602) 542-5241.

# NOTICE OF HEARING

## BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

JANET WEINSTEIN,

Applicant(s),

vs.

Jonathan Hauer

Defendant Employer (s),

Jonathan Hauer

Defendant Insurance Carrier(s),

SPECIAL FUND

Defendant Party In Interest

ICA Claim No. 94252593263

Ins. Claim No. 123

Date of Injury: 11/1/2017

ALJ Case No. ALJ0000011

### NOTICE OF HEARING

**YOU ARE HEREBY NOTIFIED** that hearing has been set in the above matter for **11:30 AM** on **06/16/2020**, at which time an administrative law judge of the Industrial Commission of Arizona will proceed to hear and dispose of all issues presented in the manner prescribed by law. **The hearing will be held via video conference.** If you are represented by counsel, your attorney will provide you with the information required for you to participate in the hearing via video conference. If you are an unrepresented applicant, you will receive a letter with information about the arrangements for the video hearing. **Applicant is required to be present in person at the hearing.** See A.A.C. R20-5-149.

**Hearing Procedure.** This proceeding is governed by the Arizona Workers' Compensation Practice and Procedure Rules. Arizona Administrative Code ("A.A.C."), Title 20, Chapter 5, Articles 1 and 13. All parties will be deemed to have knowledge of these rules. Generally, an applicant bears the burden of proof, which must be met by a preponderance of the evidence and often requires medical evidence. Parties must request medical witnesses no later than 20 days before hearing and non-medical witnesses no later than 10 days before hearing. Parties must file medical documents no later than 25 days before hearing and non-medical documents no later than 15 days before hearing. A.A.C. R20-5-141, 155. The parties are encouraged to file electronically, using the ICA Community portal (<http://azicawc.force.com/claims/s/>).

**Applicability of Evidence Based Medicine.** If The Work Loss Data Institute's Official Disability Guidelines – Treatment in Workers' Compensation (the "ODG") is relevant to this case, the parties should be prepared to present medical evidence concerning the applicability of the ODG to the treatment recommendations. A.R.S. § 23-1062.03 and A.A.C. R20-5-1301. The Industrial Commission has adopted the ODG as the standard reference for evidence-based medicine used in treating injured workers for all medical treatment or services rendered on or after October 1, 2018. *Id.*

**Additional Information.** Information about Administrative Law Judge Division hearing processes, including frequently asked questions in English and Spanish, can be found at <http://www.azica.gov>. If a party is unable to access the website or requires other assistance, they may contact the Commission's Ombudsman at 602-542-4538 or 1-800-544-6488.

The Industrial Commission of Arizona

*Janet S. Weinstein*

Janet S. Weinstein (Apr 29, 2020)

Janet S. Weinstein

Administrative Law Judge

Date Signed: Apr 29, 2020

**The Industrial Commission complies with the Americans with Disabilities Act of 1990. If you need this document in alternative format, call (602) 542-5241.**



# Workers' Compensation Hearing Process

## Initial Hearing





# Workers' Compensation Hearing Process

## Initial Hearing



# Workers' Compensation Hearing Process

## Initial Hearing

### GOOGLE HANGOUTS/MEETS

×

INITIAL HEARING- APPLICANT

Save

Jul 2, 2020

5:00pm

to

6:00pm

Jul 2, 2020

Time zone

☐

All day

Does not repeat ▾

Event Details

Find a Time

Google Meet ▾

×

Join with Google Meet

meet.google.com/wfs-byuu-vwc · Up to 250 participants ?

Meeting ID  
meet.google.com/wfs-byuu-vwc

Phone Numbers  
(US)+1 415-855-1320 ?  
PIN: 526 485 734#

More phone numbers

Add live stream

Guests

Rooms

Add guests

Guest permissions

☐

Modify event

☒

Invite others

☒

See guest list

📍

Add location

🔔

Notification ▾

10

minutes ▾

×

Add notification

# Workers' Compensation Hearing Process

## Initial Hearing



# HEARING PROCESS STEPS

8. Further Hearings are held for the doctors which usually involves one per side per issue or body part.
9. Hearings are digitally recorded. When all of the testimony is completed and all submissions are filed, the matter is submitted for decision. The submitted date is the date all necessary information, evidence or memoranda of law are filed by the parties.
10. The ALJ reviews the entirety of the file and issues a written decision on the merits outlining findings of fact and conclusions of law.

# NOTICE OF FURTHER HEARING

## BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

vs.	Applicant,
	Defendant Employer,
	Defendant Insurance Carrier,

ICA Claim No. \_\_\_\_\_  
Ins. Claim No. \_\_\_\_\_  
Date of Injury: \_\_\_\_\_  
ALJ Case No. \_\_\_\_\_

### NOTICE OF TIME AND PLACE OF FURTHER HEARING

Telephonic Hearing for \_\_\_\_\_ M.D.

**YOU ARE HEREBY NOTIFIED** that a telephonic further hearing on the above-entitled action will be held  
at **10:00 AM on 10/02/2019** at:

**THE INDUSTRIAL COMMISSION OF ARIZONA  
800 WEST WASHINGTON STREET  
PHOENIX AZ 85007**

The Industrial Commission of Arizona

*C. Andrew Campbell*

C. Andrew Campbell (Jul 12, 2019)

C. Andrew Campbell  
Administrative Law Judge

(602) 542-5661

Date Signed: Jul 12, 2019

The Industrial Commission complies with the Americans with Disabilities Act of 1990. If you need this document in  
alternative format, call (602) 542-5241.



# Workers' Compensation Hearing Process

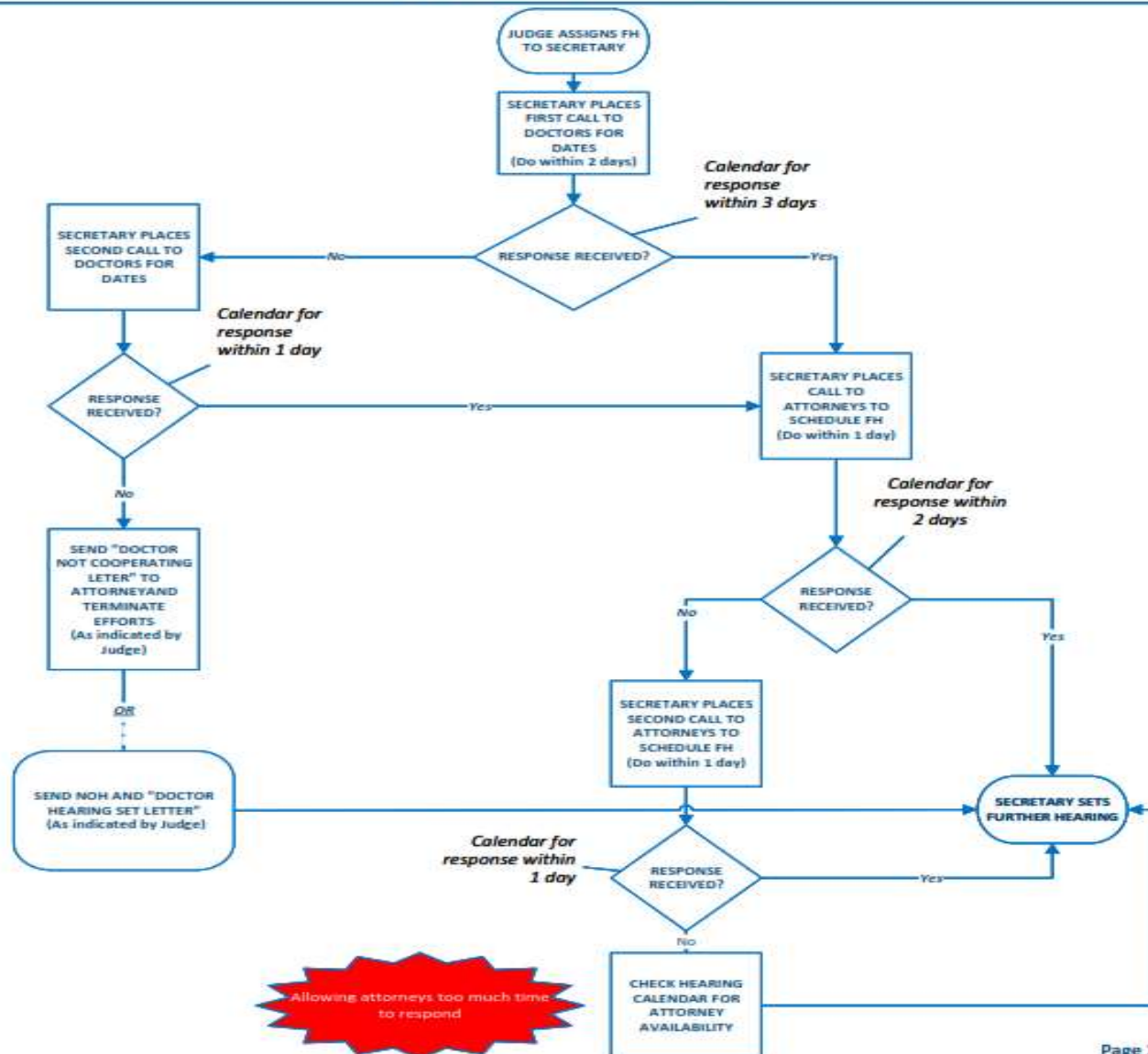
## Further Hearings



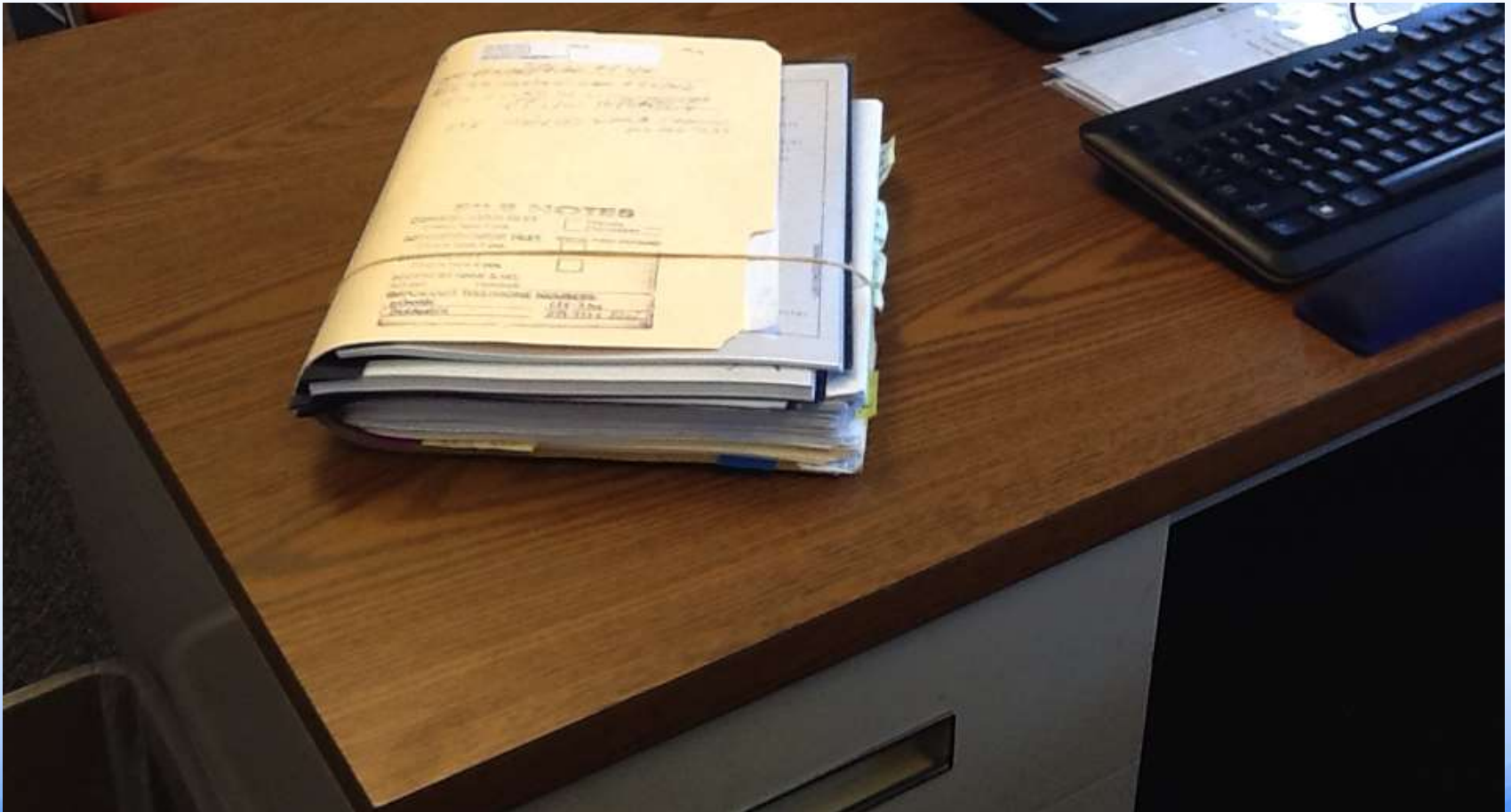
# Further Hearings – Scheduling Process

## ALJ FURTHER HEARING PROCESS

EFFECTIVE 12/12/16 (Revised 2/1/2017)



# Workers' Compensation Hearing Process Decision





# DECISION UPON HEARING

## BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

vs. Applicant(s),  
  
Defendant Employer(s),  
  
Defendant Insurance Carrier(s),

ICA Claim No.  
Ins. Claim No.  
Date of Injury:  
ALJ Case No.,

### DECISION UPON HEARING AND FINDINGS AND AWARD

Applicant sustained an industrial injury on May 14, 2012. She received benefits. Defendant Carrier closed Applicant's claim without permanent impairment or disability effective November 28, 2017 by Notice mailed December 21, 2017. Applicant filed a timely Request for Hearing on March 21, 2018.

represents the Applicant. represents the Defendants. Formal hearing was held in Phoenix, Arizona on June 26, 2018, April 10, 2019, April 29, 2019, and May 13, 2019.

The undersigned, having fully considered the evidence presented, the file, and all matters related thereto, hereby enters Findings and Award as follows.

#### FINDINGS

1. The applicant has the burden to prove the material elements of her claim by a preponderance of the evidence. *Brooks v. Indus. Comm'n*, 24 Ariz. App. 395, 539 P.2d 199 (1975); *In Re Estate of Bedwell*, 104 Ariz. 443, 454 P.2d 985 (1969); *Malinski v. Indus. Comm'n*, 103 Ariz. 213, 439 P.2d 485 (1968). In this case, the applicant has the burden of establishing that her condition is not medically stationary, or if stationary, that she has sustained a permanent impairment related to the subject industrial injury, and the nature and extent of the permanent impairment. *Spears v. Indus. Comm'n*, 20 Ariz. App. 406, 513 P.2d 695 (1973); *Timmons v. Indus. Comm'n*, 83 Ariz. 73, 316 P.2d 935 (1957). Applicant also has the burden of establishing the necessity of supportive medical maintenance benefits, if any.

2. The law in Arizona is well established that where an injury is not readily apparent, the existence of a physical disorder, its etiology, the need for further treatment or the existence of a permanent impairment are all matters which can be established only by expert medical evidence. *Yates v. Indus. Comm'n*, 116 Ariz. 125, 568 P.2d 432 (1977); *Spears, supra*; *Norris v. Indus. Comm'n*, 11 Ariz. App. 50, 461 P.2d 694 (1969). The obvious reason for this rule is that lay persons are no better able to testify concerning the functioning of the human body than they are to

# DECISION-DWO

## BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

vs.	Applicant(s),
	Defendant Employer (s),
	Defendant Insurance Carrier(s),

ICA Claim No. \_\_\_\_\_  
Ins. Claim No. \_\_\_\_\_  
Date of Injury: \_\_\_\_\_  
ALJ Case No. ALJ0000

### NOTICE OF CANCELLATION AND AWARD

#### NOTICE

**YOU ARE NOTIFIED** that the hearing set for 1:30 PM on August 29, 2019 has been **CANCELLED**.

#### AWARD

The applicant through counsel of record by letter filed July 15, 2019 has withdrawn the May 24, 2019 Request for Hearing against the February 25, 2019 Notice and has withdrawn all other requests which were to be considered at the hearing, and **IT IS ORDERED** that no further action be taken.

-----

**NOTICE:** Any party dissatisfied with this award may file a written request for review of the same with the Administrative Law Judge Division of the Industrial Commission within THIRTY (30) DAYS after the mailing of this award as provided by Arizona Revised Statutes sections 23-942(D) and 23-943(A) and (B). Unless such written request is made within the time provided, this award is final.

The Industrial Commission of Arizona

C. Andrew Campbell

C. Andrew Campbell (Jul 17, 2019)

C. Andrew Campbell

Administrative Law Judge

(602) 542-5661

Date Signed: Jul 17, 2019

# DECISION

## BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

Applicant ,	)	ICA CLAIM NO.
	)	CARRIER CLAIM NO.
	)	DATE OF INJURY:
	)	
vs.	)	
	)	
Defendant Employer,	)	
	)	
	)	<b>DECISION UPON HEARING</b>
Defendant Employer,	)	<b>AND FINDINGS AND AWARD</b>
	)	
Defendant Carrier,	)	
	)	
	)	
Defendant Insurance Carrier.	)	

The parties filed their Agreement and Certificate of Readiness on\_\_\_\_\_ electing the fast track resolution hearing process. Applicant is represented by\_\_\_\_\_. Defendants are represented by\_\_\_\_\_. Hearing was held in Phoenix, Arizona on\_\_\_\_\_. The undersigned having fully considered the file, records and all evidence submitted now enters Findings and Award as follows:

### FINDINGS

1. At issue is whether or not applicant is entitled to (list benefit/benefits) \_\_\_\_\_. Applicant has the burden of proof. *In Re Estate of Bedwell, 104 Ariz. 433, 454 P.2d 985 (1969)*.
2. The evidence considered includes all the evidence, including the file, records, medical and other evidence, along with the testimony of (list witnesses).
3. Credibility of the Applicant is/ is not at issue. If at issue, Applicant is found credible/not credible. Credibility is to be determined by the ALJ. *Adams v. Indus. Comm 'n, 147 Ariz. 418, 710 P.2d 1073(App. 1985)*.
4. The ALJ is to resolve conflicts in the evidence. *Lazarin v. Indus. Comm 'n, 135 Ariz.369, 661 P.2d 219 (1983)*. See also *Post v. Indus. Comm 'n, 160 Ariz. 477, P.2d 308 (1989)*. Conflicts in the evidence (or list specific conflict) are resolved by adopting (list person or document) as follows: \_\_\_\_ Dr. X opined that probably applicant's condition is causally related to the industrial injury as is the need for the treatment. Dr. Y opined, that probably, applicant's condition and any treatment are not causally related to the industrial injury. The undersigned adopts the opinions of Dr. X over Dr. Y. as being most probably correct.
5. The undersigned, having adopted the opinion of Dr.\_\_\_\_\_, finds that applicant has/has not met his/her burden of proof. Therefore, the applicant is/is not entitled to \_\_\_\_\_ under the law.
6. Additional findings:\_\_\_\_\_.

### AWARD

**IT IS ORDERED** that applicant is/is not entitled to \_\_\_\_\_

**NOTICE:** Any party dissatisfied with this award may file a written request for review of the same with the Administrative Law Judge Division of the Industrial Commission within THIRTY (30) DAYS after the mailing of this award as provided by Arizona Revised Statutes, §§ 23-942D and 23-943A and B. Unless such written request is made within the time provided, this award is final.

By \_\_\_\_\_  
MICHAEL A. MOSESSO  
Administrative Law Judge

DATED AND MAILED IN PHOENIX, ARIZONA ON OCTOBER 01, 2015.  
ALJ#

# Hearing Process Steps

## After Entry of an Award

- Request for Review
- Response
- Decision Upon Review

11. If a party disagrees with the decision, that party may file a Request for Review of the decision with the presiding ALJ..
12. Transcripts of the hearings are ordered by the ICA on review
13. The other party has an opportunity to file a Response. There are no replies to request for review.
14. The ALJ enters a written Decision Upon Review. The ALJ may Affirm, Vacate, Supplement, Modify, or schedule additional hearings on review.

# Review of ICA Decisions





# Appellate Review

Court of Appeals  
Supreme Court

After a Decision Upon Review is issued, a party may file a **special action** in the Court of Appeals. Review is mandatory. This is **unusual** in that there is a **direct appeal** to the Court of Appeals and is different from appeals that are taken from most administrative agencies or that may come from a decision from OAH. The Court of Appeals may **only affirm** or **set aside** a decision of an ALJ.

After a decision is issued by the Court of Appeals, a party may request review of the Arizona Supreme Court. This review is discretionary.

# Thank You

- Questions