



Kentucky Labor Cabinet

Department of Workers' Claims

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Governor

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Lieutenant Governor

Robert L. Swisher
Commissioner

MEMORANDUM

TO: Kentucky Workers' Compensation Stakeholders

FROM: Robert L. Swisher, Commissioner

DATE: April 9, 2020

RE: Videoconference proceedings

As of March 12, 2020, the Department of Workers' Claims (DWC) cancelled all in-person benefit review conferences and formal hearings in response to the Coronavirus emergency in the Commonwealth of Kentucky. Initially (optimistically), the cancellation was to run only through April 20, but that has now been extended through May 17, 2020. The prohibition against in-person proceedings required the cancellation of formal hearings on the March

docket; and will impact benefit review conferences set for April and May, and the ability to set hearings from those dockets, and perhaps beyond.

To promptly address the claims with cancelled hearings, and to prevent a backlog of claims presently unable to be scheduled for hearing, the DWC is temporarily permitting videoconference proceedings and is working with the Commonwealth Office of Technology to determine and implement secure methods for conducting those proceedings. Once an ALJ has videoconference capacity, the DWC will make an announcement to that effect. At that point, counsel wishing to participate in videoconference proceedings for a hearing that has been cancelled should contact the assigned ALJ for scheduling and instruction regarding the videoconference process. Going forward, the scheduling of videoconference hearings will be handled at the benefit review conference.

The DWC continues to examine and establish procedures for videoconference proceedings to make them as secure and productive as possible. Technical issues will be addressed as well, such as the process by which exhibits are introduced at hearings and placed in the record. Challenges notwithstanding, the DWC remains committed to developing a system that will best serve its stakeholders, not just under the present circumstances, but into the future as well. As always, the DWC invites input and suggestion from all.

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