

Litigation Management System
Filing a Document Webinar
April 11/12, 2016

Question 1: How do I get an access code for my particular cases?

Answer: If you have cases in LMS acknowledged prior to March 18, 2016, please send an email to Laborkywclms.technicalsupport@ky.gov and the DWC Technical Team will process your request in the order in which it is received. If you have cases acknowledged after March 18, 2016, your access code for each particular case will be listed on the following types of letters from the Department:

- No Matching First Report of Injury on File (Medical Dispute or Otherwise)
- All Applications for Resolution of Claim
- Benefit Review Conference Scheduled
- Acknowledgement and Assignment of Chief ALJ (CWP)
- Acknowledgement and Assignment to ALJ (Medical Dispute)

Question 2: Am I allowed to share my Access Codes?

Answer: You may share the access code to your case. However, please be mindful that by providing the access code to the claim, you are allowing someone into the litigation file of the injured worker.

Question 3: How do I file an Application for Resolution of Hearing Loss in the LMS system?

Answer: We showed you how to do this in our presentation today. By selecting the nature of injury that you are trying to file (whether it be hearing loss, black lung or carpal tunnel for example), you are driving the system to determine which application will be used.

Question 4: How do I change information on the original application once it is submitted (date of injury, body part, etc.)?

Answer: If you need to change the original application filed with the DWC, file a motion requesting to amend the application with the new information. Please be specific as to why the application should be amended.

Question 5: Are we able to file a black lung and hearing loss claim on the same application?

Answer: No you are not able to do this. When you are filing the application, you would begin with a nature of 'black lung' and fill out the pertinent information about the claim. Next you would begin the process of filing a hearing loss claim.

Question 6: Are we able to file x-rays or exhibits through the LMS system?

Answer: No. Please file x-rays and/or exhibits with the DWC at Prevention Park, 657 Chamberlin Avenue, Frankfort, Kentucky 40601. Please be sure to include information as to which claim the x-ray or exhibit is being filed as well as letting us know who/which party is filing it.

Question 7: If my address changes, can I simply file one change of address for all of my cases?

Answer: You will need to file a notice of change of address for all of your cases; not simply one notice.

Question 8: How long will I continue to receive paper documents from the DWC?

Answer: You will continue to receive all documents via paper from the DWC until we are fully electronic. Even if you choose paperless notifications through LMS right now, you will continue to receive paper from the DWC.

Question 9: Who do I contact if I need assistance with the LMS system?

Answer: Please contact the DWC Technical Team for assistance at Laborkywclms.technicalsupport@ky.gov

Question 10: Am I obligated to mail a copy of the pleading to the opposing parties, especially if we are both in the Litigation Management System?

Answer: If Plaintiff's counsel is registered in LMS they will be notified of your pleadings through the notifications function of LMS. Additionally, you will be notified of pleadings filed by opposing parties on your claims in the same way. This is not a certification. You are still responsible for serving parties listed on your certificate of service. The DWC does not in any way accept responsibility for fulfilling your obligation of satisfying your certificate of service.

Once the system is fully operational, users will be able to accept service via LMS by electing to receive paperless notifications. Additionally, attorneys can select the method of service when filing documents electronically. Please note: You may select paperless notifications currently in the LMS system; however, you will continue to receive paper and send paper until the system is fully operational.

Question 11: When will we be able to submit forms in LMS electronically?

Answer: We hope to begin accepting electronic claim filings in August 2016.

Question 12: What do you do if you know that a claimant has a prior worker's comp claim but has absolutely no information (claim number, etc.) about the previous claim? Also, if you are claiming a cumulative injury and there is not specific date of injury, how do you answer the date of injury question?

Answer: You should file an open records request as you do now to obtain the necessary information to answer the questions during the process of filing the claim. Currently if you are claiming a cumulative trauma injury, the date of injury is dependent upon a multitude of factors established by case law and although the determination of the date of injury can be uncertain it is incumbent on the filing party to allege that date considering all legal and factual issues and the same process should be used in LMS.

Question 13: How would one go about entering insurance information for a self-insured employer?

Answer: The self-insured employer information is placed in the employer section of the web form and the same information is placed in the insurance section of the web form.

Question 14: How will you add the specific parts of the body injured under the multiple body parts?

Answer: This information is not collected by LMS system at this time; simply select the pertinent 'multiple body part' selection.

Question 15: Does the new LMS system allow carriers to respond directly to pleadings or file responses to petitions?

Answer: Carriers are not able to file documents in LMS. Their attorneys are able to file documents, but the carriers themselves are not able to do so. It would be considered the unauthorized practice of law.

Question 16: Will defense attorneys still be required to file notice of appearance to respond on behalf of the carrier and employer?

Answer: Yes, defense attorneys will be required to file a notice of appearance on behalf of the carriers/employers.

Question 17: Can you bypass the information for the prior workers compensation claim if we don't have it or it was out of state?

Answer: If a prior claim was filed within Kentucky, you need to provide the information. If the prior claim was out of state, you simply provide the state in which the claim was filed.