



# **Kentucky Labor Cabinet**

## **Department of Workers' Claims**

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**Robert L. Swisher**  
Commissioner

### **M E M O R A N D U M**

**TO:** LMS Registered Users

**FROM:** Robert L. Swisher, Commissioner

**DATE:** January 8, 2021

**RE:** Filing of Application for COVID-19 claim

Through feedback from stakeholders, the Department of Workers' Claims has learned that a limitation with the Litigation Management System prevents the filing of a claim for benefits due to alleged COVID-19 as an occupational disease claim (Form 102). By identifying the condition at issue as COVID-19, the applicant's path to file the claim is limited to an injury claim (Form 101).

DWC is working to reprogram LMS to allow a party to elect to file a Form 101 or Form 102 for a COVID-19 claim. DWC hopes to add such a feature to the system within the next 15 days. In the meantime, DWC will accept paper filings of the Form 102 for parties wishing to assert an occupational disease claim in a COVID-19 case.

DWC takes no position on whether a claim for work related COVID-19 should be asserted as an injury or occupational disease. If and when presented, that issue will be decided by an administrative law judge. DWC is only responding to a request that a claimant be allowed to file a Form 102 for such a claim if he or she wishes.

Parties with an interest in this issue are reminded that KRS 342.316(9) provides an opportunity for relation-back amendment of an injury claim if the condition alleged is subsequently discovered to be more appropriately pursued as an occupational disease claim.



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