

NOTICE TO CLAIMANT

Enclosed is a copy of an Administrative Order. This Administrative Order either awards benefits or denies benefits and provides greater detailed facts and legal analysis. If you have any questions concerning this Order or believe the decision in this Order is wrong, **you have two choices:**

1. You can **request assistance from the Decision Review Office (DRO)** within 30 days from mailing date of this Order – DRO will then conduct an independent review of the claim. A request for assistance from (DRO) must be made in writing. *NOTE: DRO provides no-cost assistance to claimants. DRO is part of Workforce Safety & Insurance (WSI), but is independent of WSI's Claims Department.* Decision review specialists are not attorneys and, by law, cannot provide legal advice. If the DRO process cannot resolve the disputed issue, you will receive a Certificate of Completion and a letter from DRO. **If you still disagree with WSI after receiving the Certificate of Completion, you may request a hearing (see *When requesting a hearing, below*).** A hearing request must be made in writing within 30 days from the mailing date of the Certificate of Completion.

To contact DRO: write 1611 E Century Ave, Suite 402, Bismarck, ND 58503-0780; telephone (701) 328-9900 or 1-800-701-4932; e-mail decision review specialists at wsidro@nd.gov; or visit their office at 1611 East Century Avenue, Suite 402, Bismarck, ND – no appointment is necessary.

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2. If you **choose not to seek assistance of DRO**, you can write to WSI and request a hearing. You must request a hearing within 30 days from the mailing date of the Order (see *When requesting a hearing, below*).

NOTE: if you do not request assistance in writing from the Decision Review Office OR if you do not request a hearing in writing within 30 days from the date the Order was mailed to you, the Order becomes final and may not be appealed.

When requesting a hearing:

A hearing request must be made to WSI in writing, and you must explain why you disagree with WSI's decision. Don't worry about legal terminology or format, just state in your own words what you feel is specifically wrong with WSI's decision and what you feel should be done to correct it. You should also include any additional information that you believe will show why the Order is wrong. WSI will review your request for a hearing, and , if WSI still believes its decision is correct, your claim will be assigned to one of the attorneys who represent WSI in claims disputes. These attorneys work in private law firms throughout the state. WSI's attorney will request the Office of Administrative Hearings appoint an Administrative Law Judge (ALJ) to conduct a hearing. Once an ALJ has been appointed, a notice of the date, time, and location of hearing will be mailed to you. You may attend the hearing and testify, and you may also bring witnesses or other evidence you have which supports your claim. You may hire an attorney to represent you during the hearing process (see *Payment of attorney fees, below*). Your employer may also attend the hearing.

Payment of attorney fees

You may elect to have an attorney of your choice review your request for hearing of this order as an initial consultation. Attorney fees may be paid up to \$500 and reasonable costs up to \$150. To be eligible for payment of initial attorney consultation fees, you must first receive a certificate of completion from the Decision Review Office, and the attorney consultation must take place after the certificate of completion is issued but before the rehearing is conducted. To obtain payment, your attorney shall submit to WSI a fee statement. Attorney fees and costs for an initial consultation are separate from attorneys fees paid to represent you at hearing. WSI is not responsible for retaining an attorney for you.

Your attorney fees at hearing will be paid by WSI according to the limits set by law **IF** you first asked for help from the Decision Review Office and received a Certificate of Completion from them **AND** you prevailed at the hearing which means you must receive an additional benefit. (or at the District Court or Supreme Court levels).

NOTICE TO EMPLOYER

Enclosed is a copy of an Administrative Order. If you believe the decision outlined in this Order is wrong, you can ask for a hearing. **To ask for a hearing, you must write to WSI's Legal Department** within 30 days from the mailing date of this Order explaining why you think this Order is wrong. If you are a corporation or similar entity, you must submit the hearing request through an attorney who is licensed in North Dakota. The case will then go to a formal hearing. At the hearing, you can present your case as to why the Order is wrong and how it should be changed. You can have an attorney represent you at the hearing, but no attorney fees will be paid by WSI regardless of the outcome of the hearing.