



My \$32 "Cheat" Sheet and Stats on \$32 Settlements

July 31, 2014 [4096]: Since there was no regular format for the text of the agreements (despite my attempt with NYSIF and claimant attorneys to draft one), the only way I would be sure before a hearing that I knew everything in the agreement and that at the hearing I covered everything, I made up a 'cheat' sheet on which I could note all the basic items I needed to know about the settlement. I still have all those sheets, at least 5,000. I even offered them to the Board if they would actually use the data. They did not reject my offer - they ignored it.

Yes, I know that other commissioners would simply ask "Have you read the agreement and understand it?" and end their questions there. Whether such an attitude was because they felt the claimant's attorney had the responsibility to make sure the claimant knew what was in the agreement or they were in a rush to go shopping or play golf, I do not know, But I and a few others felt a recitation of the facts in the settlement insured the claimant really knew what was going on. We felt their informed consent and future life was worth the 10-15 minutes it took to ask these questions.

Not all the items listed below were in all the agreements but, if they were, I wanted to be sure they were on the record, all the issues resolved, and the parties in agreement.

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Hearing date (not shown in this image)

- Translation language (not shown in this image)
- Pages in the agreement
- Date (lets me know if this is an adjournment)
- Number on that day's calendar
- Settlement, as shown in agreement (some \$32s showed the net to the claimant, not the gross.)
- Number of WC cases covered by the agreement
- Fee \$
- Lump Sum Settlement
- Last 4 digits of case #
- Net Settlement
- Was claimant PPD
- Issues being settled

MEDICAL

- Sites of injury
- Last Medical treatment per C-4
- \$ Allocated for future medical expenses
- Old bills resolved to date, including M&T
- Any open C-8's

AWARDS

- AWW
- Allocation rate
- Current or prior awards, \$ and dates
- Are either Medicare Codes §42 in agreement

OTHER ISSUES

- 3rd Party and status of same
- Special Funds: status and participation

CREDITS: Specific questions to be asked about

- Overpayments, advances reimbursements
- Liens
- Widows/Estate/Children: formerly set by a Law Judge

MISCELLANEOUS Anything that caught my eye and room for me to make notes about other issues raised at the hearing.