

Mediation Claimant FAQs

- What is mediation?

Mediation assists injured workers and insurers/employers to resolve workers' compensation benefit disputes. The mediator is a neutral third person who listens to the concerns of all parties and assists them in resolving the dispute. The conferences are informal; confidential; and without verbatim record or recording.

Mediation conferences are held by telephone.

The purpose of mediation is to prevent, when possible, the filing in the Workers' Compensation Court if a fair and reasonable resolution can be reached in mediation.

- What issues qualify for mediation?

In general, any dispute between a claimant and the insurance company concerning benefits under the Workers' Compensation Act qualifies for mediation. However, there are some exceptions to this. If you are in doubt as to whether or not your dispute falls under the jurisdiction of the mediation unit please call the examiner handling your claim or the mediation unit at (406) 444-6534.

- Do I need legal representation?

The general purpose of the Workers' Compensation Act is to allow injured workers who wish to proceed without an attorney to do so. The mediation process was created with the intent to avoid a situation where legal counsel is necessary to resolve disputes. However, this is not intended to discourage injured workers from seeking legal counsel if they so choose.

- What should I expect from a mediation conference?

The conference will be held at the date and time indicated in the **NOTICE OF MEDIATION CONFERENCE**. You are expected to be available at the phone number listed on the **REQUEST FOR MEDIATION CONFERENCE** you completed. If your phone number changes or you are unavailable at the time scheduled, it is your responsibility to call the Mediation Unit as soon as possible so other arrangements can be made.

Every effort will be made by the Mediator to help the parties resolve the issue during the conference. If this does not happen, the mediator will issue a written recommendation to all parties within ten working days. Once you receive the recommendation, you have 25 days to advise the Mediator as to whether you agree with the recommendation or not. If the parties cannot resolve the dispute once the recommendation is issued, either party may proceed to the Workers' Compensation Court.



- How do I prepare for a mediation conference?

At least one week prior to the mediation conference you should submit copies of any documentation you feel may support your position or assist the mediator in making a recommendation.

During the conference, you and the insurer will be asked to present your positions. Prior to the conference, it may be helpful to write down your concerns and note any information you wish to present during the conference. This will ensure nothing is forgotten.