

State of Montana
Department of Labor & Industry
Judy Martz, Governor



Employment Relations Division

WC Claims Assistance Bureau
Diana Ferriter, Bureau Chief

October 18, 2004

The Hon. Mike McCarter
Workers' Compensation Court
PO Box 537
Helena, MT 59624-0537

SENT BY E-MAIL AND MAILED HARDCOPY

RE: Jeremy Ruhd v. Liberty Northwest Insurance Corporation
WCC No. 2002-0500

Dear Judge McCarter:

At the in-person conference held on Tuesday, October 5, 2004, I agreed to provide additional information to you and the parties about claim information available from the Department. I have the following information to share with everyone at the conference.

The Department's current database (WCAP) went into production in April, 1995. Injury data was brought over from DB02 to populate WCAP. No benefit payment information was included in the conversion because insurer's reporting requirements changed from an event driven reporting method to a time driven reporting method. The two types of reporting for benefit payments were not compatible.

Earlier this year, we ran an extract of injuries from DB02 so we could locate "old" claim numbers assigned in the DB02 system. The extracted data was put into an Excel spreadsheet and is available. The extract contains the following fields - claimant name, SSN, birth date, accident date, employer name, part of body, claim number assigned in DB02, and the employer's policy number. No benefit payment information was extracted.

DB02 data can still be accessed. That system was archived by the Department of Administration. It could be put back online. The monthly cost for that access is \$2,000 per month. In order to get an extract of the data, ERD would need to contract with a software contractor to write a query to pull the specific data needed. This is what we did to get the extract earlier this year. We contracted with Northrop Grumman. The cost for that contract was \$80 an hour.

The Uninsured Employers Fund (UEF) claim information was converted from a Lotus spreadsheet to an Access application in 2000. This application tracks the compensation paid to claimants for uninsured claims expenses. The information that is recorded in the UEF application could be gained by a simple query, however, the data not recorded can be gathered from other areas but will take different methods to complete.

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There are 484 claimants in the UEF Access database as of 10/12/04.

The UEF Access database tracks the Compensation Type, TTD, PTD, etc, for the payments made to a claimant. The compensation paid is recorded for individual claimants but numbers could be compiled manually to determine payments paid for more than one year.

This application doesn't record the date of injury, or the First Report of Injury, but we could get that information from WCAP and match it to the records manually.

There are some records in the Lotus spreadsheet with data from the 80's that was not converted but could be researched and compiled manually.

At this time, I have not requested any of the information be compiled either electronically or manually. If you decide this information should be compiled, I will ask staff to begin putting the information together. I am available to answer any questions concerning the information in this letter or other issues or concerns any of the parties have regarding the information the Department can provide for the issues before the Court.

Sincerely,

Diana Ferriter
Bureau Chief

C: Stephen D. Roberts, Esq.
Lon J. Dale, Esq.
Monte D. Beck, Esq.
Bradley J. Luck, Esq.
Thomas Harrington, Esq.
Carrie L. Garber, Esq.
Larry W. Jones, Esq.
Greg E. Overturf, Esq.
Mark E. Cadwallader, Esq.
Carol Gleed

Subject: FW: Response to request for Claim Information - Common Fund

Interested Parties:

Below is the response from Judge McCarter to Diana Ferriter from her letter dated October 18, 2004 which is attached to this e-mail in Wword. If you are unable to open the attachment please let me know and I will resend it.

Pat Kessner
Clerk of Court
444-7784

-----Original Message-----

From: Mike McCarter [mailto:marsilius@mt.net]
Sent: Monday, October 18, 2004 3:17 PM
To: Ferriter, Diana
Cc: Kessner, Patricia (WORK)
Subject: Re: Response to request for Claim Information

Hi Diana,

Thanks for the letter and the information. In reading your description concerning the DB02 information which was input into WCAP, it sounds like the only pre-April 1995 claims we will be able to identify for purposes of *Raush* and *Ruhd* are those claims for which permanent total or prolonged temporary total disability were paid after April 1995. Am I correct in this?

Mike

P.S. I am copying this message to Pat Kessner in my office so she can e-mail a copy of it to all involved counsel and put a copy of my inquiring in the file.

-----Original Message-----

From: Ferriter, Diana
Sent: Monday, October 18, 2004 3:25 PM
To: 'Mike McCarter'; Ferriter, Diana
Cc: Kessner, Patricia
Subject: RE: Response to request for Claim Information

Mike,

Yes, you are correct. Our reporting requirements for WCAP instructed insurers to report payments on open, unsettled claims only. Any PTD claims closed or settled prior to 4/95 were not required to be reported to us.

Diana