

FACSIMILE COVER SHEET

DATE: July 27, 2004 Client # R-1471  
TO: Patricia J. Kessner  
Workers' Compensation Court  
RE: Flynn/Miller v. State Fund

TELEFAX DESTINATION NUMBER: 406-444-7798 No. of Pages 2  
(Including this cover page)

MESSAGE OR SPECIAL INSTRUCTIONS:

Dear Pat,  
Pursuant to our conversation this morning, following is a copy of the Flynn letter on Workers' Compensation Court letterhead. A copy of the letter has also been emailed to you.  
If you have any questions or concerns, please do not hesitate to contact this office.

Sincerely,  
ATTORNEYS INC., P.C.  
*Margaret Martin*  
Margaret Martin  
Legal Assistant

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E-mail Clerk of Court at:  
[pkesner@state.mt.us](mailto:pkesner@state.mt.us)

Court Web Site:  
<http://wcc.dli.state.mt.us>

# Workers' Compensation Court

Mike McCarter  
Judge



Dear \_\_\_\_\_:

Date: \_\_\_\_\_

Records indicate that you received workers' compensation benefits from the Montana State Fund. You may be entitled to receive additional workers' compensation benefits if you meet all of the following criteria:

1. You received total disability workers' compensation benefits from the Montana State Fund sometime between July 1, 1974 and December 5, 2002; and
2. You also received Social Security disability benefits during at least part of this time; and
3. You paid a fee to your representative in your Social Security litigation or incurred other costs to obtain your Social Security disability benefits; and
4. You have not settled your workers' compensation claim; and
5. You submit written verification to the Workers' Compensation Court of the fees charged by your representative or other costs which you incurred to obtain your Social Security disability benefits by \_\_\_\_\_. (Date 210 days from date of letter). If you fail to submit this information by such date, your claim will not be reviewed.

This notice is provided to you because of some recent decisions from the Montana Supreme Court and the Workers' Compensation Court. In these decisions the Courts ruled that if the State Fund reduced a claimant's workers' compensation benefits because the claimant received Social Security disability benefits, then the State Fund should generally pay half of the fees and costs associated with the claimant's successful efforts in obtaining Social Security disability benefits. You may be entitled to some increased payment if you can verify the fees and costs you incurred.

The Court has concluded that the attorney who did the legal work resulting in the decisions established a "common fund" that benefits claimants who became entitled to increased payments because of the Court's decisions. The Court will decide the amount of the fee which will not be more than 25% of the increased benefits. A hearing will be held at a later date to determine the exact fee. You will have a chance to voice your questions or concerns at that hearing if you so choose.

If you believe that you meet all of the above criteria, please complete the enclosed form with as much information as you have. When you have done this, return the form to the Workers' Compensation Court, P.O. Box 537, Helena, Montana 59624-0537.

**"AN EQUAL OPPORTUNITY EMPLOYER"**  
AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES

