

CLAIMANT'S INTERROGATORIES TO CARRIER

Texas Labor Code, § 410.159. Standard Interrogatories.

- (a) The commission by **rule** shall prescribe standard form sets of interrogatories to elicit information from **claimants** and insurance **carriers**.
- (b) Standard interrogatories shall be answered by each party and served on the opposing party within the time frame prescribed by **commission rule**, unless the parties agree otherwise.

Acts 1993, 73rd Leg., ch. 269, C 1, eff. Sept. 1, 1993.

Rule 142.19. Form Interrogatories.

The **commission** adopts the following form interrogatories by reference:

- (1) **Claimant's** Interrogatories to **Carrier**; and
- (2) **Carrier's** Interrogatories to **Claimant**.

Source Note: The provisions of this §142.19 adopted to be effective July 9, 1991, 16 TexReg 3397.

Claimant's Interrogatories to Carrier

Instructions for Using this Form

To the Claimant:

This form contains a total of 16 interrogatories ("questions") for you to send to the **CARRIER** to answer. Please read these instructions carefully before you begin.

On page 4, please write or type the "date of claimed injury" in the space provided.

Questions 1 through 11 are prepared questions. There is a line next to each number. Mark an "X" next to each question you want the **CARRIER** to answer. Please do not mark questions that the **CARRIER** has already answered, or that you do not need answered.

Questions 12 through 16 are blank for five of your own questions. Use these to obtain information from the **CARRIER** about the issue(s) presently in dispute. Write or type each question in the space provided. You may use as many as five of your own questions.

Certificate of Service

Please fill in all information, and sign before sending to **CARRIER**.

Affidavit

This is for the **CARRIER** to use after answering the questions. Please leave it attached when you send the questions to the **CARRIER**.

To the Carrier:

Please answer these interrogatories to the best of your knowledge.

These interrogatories have the force and effect of being continuous and ongoing in nature. Any occurrence that changes a previously given answer (e.g., newly-discovered witness, new medical information, etc.) must be corrected and forwarded to the **claimant** within a reasonable time before the hearing, or, if not possible, brought to the hearing.

A party who fails to disclose information known to that party or documents which are in existence and in the possession, custody, or control of that party at the time when disclosure is required by this section may not introduce such evidence at any subsequent proceeding before the **commission** or in court unless good cause is shown for not having disclosed such information or documents. TX LABOR CODE, § 410.161.

Claimant's Interrogatories to Carrier

Definitions

To the CARRIER:

As used in these interrogatories, the following definitions shall apply to the following terms. These terms appear in the interrogatories in bold print.

Act means the Texas Workers' Compensation Act.

Carrier means the insurance company or self-insured employer from which the claimant is claiming workers' compensation benefits.

Claimant means the individual claiming workers' compensation benefits from the carrier.

Claimed injury means the injury, occupational disease, or occupational illness for which the claimant is presently claiming workers' compensation benefits from the carrier.

Commission means the Texas Workers' Compensation Commission.

Expert witness means an individual who, because of education or experience, possesses specialized knowledge of a subject not generally within the understanding of the average individual.

Person means an individual, corporation, organization, business trust, estate, trust, partnership, association, or other legal entity.

Rule means a rule of the Texas Workers' Compensation Commission.

Statement includes written, typed or printed statements, signed or otherwise approved by the person making it, and electronically recorded oral statements.

Claimant's Interrogatories to Carrier

The alleged date of the **claimed injury** is: _____.

To the **CARRIER**: Answer all questions marked with an "X".
Use additional pages when necessary.

_____ 1. Please identify the individual(s) answering these interrogatories by stating his/her/their full name, business address, business phone number, and relationship to the **carrier**.

To the **CARRIER**: Answer all questions marked with an "X". Use additional pages when necessary.

_____ 2. If a benefit review conference has been held, does the benefit review officer's report accurately list all issues the **carrier** is presently disputing?

If not, please list those issues the **carrier** is presently disputing that differ from those listed in the benefit review officer's report.

_____ 3. If a benefit review conference has been held, does the benefit review officer's report accurately describe the **carrier's** position on the disputed issues listed?

If not, please explain how your position differs from that described in the benefit review officer's report.

To the **CARRIER**: Answer all questions marked with an "X". Use additional pages when necessary.

_____ 4. If a benefit review conference has been held, does the **carrier** agree with the benefit review officer's recommendations?

If not, please explain.

_____ 5. If a benefit review conference has not been held, please list the issues the **carrier** is presently disputing, and the **carrier's** position on each issue?

To the **CARRIER**: Answer all questions marked with an "X". Use additional pages when necessary.

_____ 6. Has any individual acting at the request of, or on behalf of the **carrier** obtained any statement from the **claimant** pertaining to the issues presently in dispute?

If so, please attach a copy of each statement to your answers to these interrogatories.

_____ 7. Has any individual acting at the request of, or on behalf of the **carrier** obtained any statement pertaining to the issues presently in dispute from any individual?

If so, please state the name and address of each individual from whom a statement has been obtained, and the name and address of the individual who presently has custody of each statement.

To the **CARRIER**: Answer all questions marked with an "X". Use additional pages when necessary.

_____ 8. Has the individual acting at the request of, or on behalf of the **carrier** taken any photographs, videotapes, or motion pictures of the **claimant** since the date of injury?

If so, please state the name and address of each individual who took photographs, videotapes, or motion pictures, and the name and address of each individual who presently has custody of the photographs, videotapes, and/or motion pictures.

_____ 9. If any statutory liens against the **claimant's** benefits, or requests to reimburse voluntary payments by the employer from the **claimant's** benefits, have been filed with **carrier**, please identify the **person** who filed each such lien or request, the date filed, and the amount in question.

To the **CARRIER**: Answer all questions marked with an "X". Use additional pages when necessary.

_____ 10. Please state the name, address, and phone number of:

(a) each individual whom the **carrier** knows to have knowledge of the relevant facts related to the issue(s) in dispute; and

(b) each individual from whom the **carrier** plans to submit testimony in its behalf.

_____ 11. Please state the source, the nature, and the location of:

(a) every document the **carrier** knows of which is relevant to the issue(s) in dispute; and

(b) every document which the **carrier** intends to introduce into evidence.

To the **CARRIER**: Answer all questions marked with an "X". Use additional pages when necessary.

Additional Questions

To the **CARRIER**: Answer all questions provided by the **CLAIMANT**.

_____ 12. Question:

Answer:

_____ 13. Question:

Answer:

To the **CARRIER**: Answer all questions marked with an "X". Use additional pages when necessary.

_____ 14. Question:

Answer.

_____ 15. Question:

Answer.

To the **CARRIER**: Answer all questions marked with an "X". Use additional pages when necessary.

_____ 16. Question:

Answer.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **Claimant's** Interrogatories to **Carrier** has been forwarded via certified mail, return receipt requested, on this _____ day of _____, _____, to each of the following:

Respectfully submitted,

Signature of Claimant or Representative

Printed name of Claimant or Representative

Mailing address

City, State, Zip

Telephone number

State Bar Number (if attorney)

AFFIDAVIT

CARRIER'S ANSWERS TO CLAIMANT'S INTERROGATORIES

I hereby certify under penalty of perjury that the foregoing answers are true, correct, and complete.

Signature of Carrier's Representative

STATE OF: _____

COUNTY OF: _____

Before me, the undersigned Notary Public, on this day personally appeared _____, who being by me duly sworn on (his/her) oath deposed and said that (he/she) is the **carrier's representative**, duly qualified and authorized in all respects to make this affidavit; that (he/she) has read the above and foregoing answers to Interrogatories, and that every statement contained in the answers is within (his/her) knowledge and true and correct.

Notary Public in and for the State of Texas

My commission _____

I hereby certify that I have on this _____ day of _____ delivered a copy of the attached answers to **Claimant's** Interrogatories to **Carrier** to

_____ by

_____.

State the manner of delivery

Signature of Carrier's Representative