

# EMPLOYMENT LAW SUMMARY

## Iowa: Workers' Compensation - Claims Process



Workers' compensation is a system of no-fault insurance that provides medical care and monetary benefits to employees or their survivors for work-related injuries, diseases and deaths. Workers' compensation is governed by state law.

The Iowa Workers' Compensation Act (WCA) determines the process for handling workers' compensation claims in the state. The Iowa Workers' Compensation Commissioner (Commissioner), who is the head of the [Iowa Division of Workers' Compensation](#) (WC Division) investigates and handles workers' compensation claims. The processing of a claim typically begins with a notice of injury and may end up in administrative or judicial appeal.

### EMPLOYEE'S REPORT OF INJURY

An employee (or his or her dependents, in the case of death) must provide notice of an injury to the employer **within 90 days** after **the employee knew or should have known** that the injury arose out of and in the course of the employment.

The employee is not required to use any specific form, but the notice must be sufficient to advise the employer that the employee, by name, received an injury in the course of the employment on or about a specified time, at or near a specified place.

Failure to provide the written notice may cause an employee to lose his or her right to any workers' compensation benefits unless the employer had actual knowledge of the injury within the first 90 days.

For occupational disease claims, employees must give the written notice to their employers **within 90 days** after **the first distinct manifestation of the disease**. In the case of death from an occupational disease, written notice is due within 90 days after the death.

### EMPLOYER'S REPORT OF INJURY

An employer must notify its insurance carrier (if applicable) or the WC Division whenever an employee alleges a work-related injury or disease that results in:

- Disability from work for more than three days;
- Permanent disability; or
- Death.

The employer's report must be filed electronically, using the First Report of Injury or Illness (FROI) form, within four days after the employer obtains notice or knowledge of the claimed injury and the extent of disability. This notice requirement applies regardless of whether the employer questions the compensability of the claim.

### INFORMAL DISPUTE RESOLUTION

After an employer files an FROI, the Commissioner sends a letter to the employee. The letter explains that the Commissioner is available to help the employee and employer resolve any workers' compensation disputes through informal dispute resolution procedures. These procedures are designed to be flexible enough to allow the Commissioner to help the parties resolve any issue.

Either party may initiate the informal procedures by filing a request with the Commissioner. The parties may also be required to engage in informal dispute resolution for certain types of disputes. However, the parties must first make a good faith effort to resolve the dispute on their own. To prove this, they must file a statement in which both parties attest to their good faith efforts.

## EMPLOYEE'S CLAIM FOR BENEFITS

In order to preserve any rights under the WCA, an employee who has not received any weekly workers' compensation benefits must file a contested case petition with the Division within **two years** of an injury.

An employee who has received any weekly workers' compensation benefits has **three years** from the date of the last payment to file a petition. Engaging in informal dispute resolution does not extend these deadlines.

Employees that file a contested case petition with the WC Division must also serve the employer with a copy. The WC Division will not take any action until it has proof that the employer was properly served.

## SETTLEMENT

Parties may settle disputes any time before or after an employee files a contested case petition, but the Commissioner must approve the agreement before it becomes binding. Employers are responsible for promptly notifying the Commissioner of any settlements.

## ADMINISTRATIVE HEARINGS

If the parties are not able to settle disputes after a contested case petition is filed, a deputy workers' compensation commissioner will hold a hearing to resolve the issues in dispute. Hearings may be held in person or by voice or video technology, including Internet-based video.

All hearings must be held within 12 months from the date when the petition was filed or as determined by the hearing administrator. If all parties fail to schedule the hearing with the administrator, the administrator may schedule it at his or her discretion without advance notice to the parties.

The parties must serve witness and exhibit lists on all opposing parties at least 30 days before a scheduled hearing. The parties have an opportunity to present the evidence and examine the witnesses at the hearing. The deputy commissioner presiding over the hearing then issues a written decision to resolve the dispute.

## APPEAL TO COMMISSIONER

A deputy commissioner's decision may be appealed to the Commissioner for review. This is initiated by filing a notice of appeal with the Commissioner and serving a copy to the opposing parties within **20 days** of the deputy commissioner's decision.

The Commissioner generally reviews only the evidence that was submitted at the hearing before a deputy commissioner. However the parties may submit briefs arguing their positions. The Commissioner may affirm, modify, or reverse the deputy commissioner's decision or remand it for further findings. The Commissioner's decision is the final agency action.

## JUDICIAL APPEALS

Any party aggrieved by a Commissioner's decision may appeal for review by a state district court by filing a petition for review within **30 days** after the decision. The district court then decides the case based only on the evidence submitted at the original hearing. The court can only make changes based on legal issues. The court may not change the Commissioner's factual findings unless the record contains no substantial evidence to support them.

The Iowa Court of Appeals provides the next level of review. However, parties that appeal a decision from a district court must submit the appeal to the Iowa Supreme Court, which reviews the appeal and determines whether it should decide the contested issues itself or assign the case to the Court of Appeals. Notice of appeal must be filed with the Iowa Supreme Court within **30 days** of the district court's decision.

If the Court of Appeals makes a decision, the parties may appeal it to the Iowa Supreme Court by filing a petition within **20 days** of the decision.

## MORE INFORMATION

Contact Heffernan Insurance Brokers or visit the [Division](#) website for more information on workers' compensation laws in Iowa.

This guide is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. It is provided for general informational purposes only. Readers should contact legal counsel for legal advice. © 2024 Zywave, Inc. All rights reserved.