

LUMP SUM/ADVANCE PAYMENTS  
COMPLYING WITH O.C.G.A. §34-9-222

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Board Rule 222

O.C.G.A. §34-9-222 allows the Board, upon application of a party and after benefits have been continued for 26 weeks, to determine whether it is in the employee's best interest to prevent extreme hardship, or is essential to the employee's rehabilitation, to order the employer/insurer to pay a portion of the future benefits in a lump sum, reduced to their present value calculated at an interest rate of 5 percent per annum. The application for a lump sum must be submitted on Form WC-25, and a copy must be sent to the employer/insurer and any other interested party. The parties have 15 days from the date of the certificate of service to file objections to the application. A certificate of service must accompany the objections.

If any party elects to cross-examine an adverse party it must so notify the Board within 15 days of the certificate of service of its intention to submit a deposition. The deposition must be filed with the Board no later than 30 days from the certificate of service filed on the Form WC-25, unless the Board upon a showing of just cause grants an extension.

The maximum amount of attorney fees, which will be granted in conjunction with an advance, will be 25 percent of the advance or \$500.00 whichever is less.

Completing Form WC-25:

- Complete the WC-25 form. Indicate all past due bills in the appropriate column.
- Indicate how much money is being requested for the advance and how this advance will be repaid.
- Provide documentation to support reason for request.
- Attach a medical report that is completed within last 60 days, and provides the Board with a permanent partial disability rating, if applicable.
- Indicate whether the employer/insurer consents to the advance.
- Complete the certificate of service. The employer/insurer must be provided with the same information and documentation as is submitted to the Board for review.

GOOD FAITH EFFORT MEANS THAT THE EMPLOYER/INSUER HAVE HAD AN OPPORTUNITY TO AGREE TO ADVANCE BEFORE IT WAS SUBMITTED TO THE BOARD.