

NOTICE TO PRO SE LITIGANTS

ATTORNEY REPRESENTATION AND FEES:

Any person injured in the course or scope of employment may file a claim with the State Board of Workers' Compensation. You may represent yourself. However, you cannot have someone else represent you if he or she is not an attorney.

Representing yourself without the benefit of an attorney's training and experience is not a simple matter. The law requires certain steps to be followed, certain papers to be filed, and certain evidence to be presented for a Judge to issue an order or award. If you represent yourself, you alone are responsible for knowing and following the correct procedures. If you fail to follow the correct procedures, the Judge may dismiss your claim or deny your request. You should be aware that your employer and the insurance company will usually have a legal representative.

You may retain an attorney to represent you. Under workers' compensation law, an attorney can not take a fee for representing you unless he or she has recovered income benefits for you. If you hire an attorney, the attorney will enter into a Fee Contract with you explaining how the attorney fee will be paid.

HOW AND WHERE TO FILE:

The Board can provide you with the proper forms for requesting a hearing or other Board action and may assist you in completing the forms. You must fill this form out as completely as possible. You must include your name and address and the complete name and address of your employer and their insurance company. You should explain in detail the nature of your injury and what relief you are seeking.

You may file your requests for Board intervention in person at one of the offices of the State Board or mail the forms to the State Board of Workers' Compensation, at 270 Peachtree Street, NW, Atlanta, GA 30303-1299. **You must send copies of all papers to the opposing parties.**

It is very important that you always communicate with the opposing parties. If you move after you file your claim, you must give written notice of your new address to the Board and all other parties. **A party is not permitted to talk to the Judge or a member of his/her staff about the claim without the other party's involvement. Any time you file papers with the Board or wish to speak with the Judge's office, you must also notify the opposing parties, your employer, the insurance company and their attorney.**

PREPARING FOR THE HEARING:

You must prove that the employer/insurer owes you workers' compensation benefits. You must have the evidence to prove your case. Witnesses must have personal knowledge of the "facts" they would testify to for their testimony to be admissible at a hearing.

The Judge cannot accept affidavits or letters, which are considered "hearsay." Witnesses are required by law to testify upon the basis of their personal knowledge of the facts, and not upon the basis of what someone else told them.

Before your hearing date, you should gather all the documents you will need to prove your case (prescription receipts, unpaid medical bills, wage/earning statements, etc.) and have them ready to present to the Judge. If you have witnesses, you should notify them of your hearing date. If a witness refuses to come to court, you may have the Board give you a subpoena for their appearance and you would have to give it to the witness prior to your hearing date.

The employer/insurer will also be preparing their case for the hearing. Their attorney may send you a set of questions to answer or may schedule a time to question you in person about your claim. These procedures are known as Discovery. You are required to appear for a Deposition and cooperate with the processes.

The Judges of the State Board of Workers' Compensation must remain impartial and may not practice law. Therefore, neither the Judges nor any other Board personnel are permitted by law to render or furnish legal services or advice, or answer questions regarding legal matters involved in presenting your claim.

THE HEARING:

Hearings are held Monday-Friday at several locations around the state. The Board will send a Notice that will tell you the time and place that you must appear for the hearing. It is very important for you to appear on time. If your case is scheduled for a hearing, you must have all your evidence and witnesses ready. If you are late, or if you fail to appear, your case may be dismissed.

A hearing is a formal process. You will have the opportunity to tell the Judge your side of the case. During a hearing, you will present evidence or witnesses on your behalf. The employer/insurer may ask the witness questions and will then present their own evidence and testimony. You may ask the employer/insurer's witnesses questions about their testimony. When it is your turn to ask questions, you must only ask questions. You cannot make statements or be argumentative, even if you do not agree with the testimony! After all the evidence has been presented, the Judge will consider all the relevant evidence and make a decision. The Judge will put his/her decision in writing and send all a copy to all parties.

APPEAL:

You have the right to file an appeal if you think the Judge has made the wrong legal decision. Appeals must be filed within twenty (20) days from the date of the hearing judge's decision. If the Appellate Division finds that an appeal was not legally justified or is frivolous, the party filing the appeal may be required to pay any legal expenses of the other party.

SETTLEMENTS:

If you reach an agreement to settle all or part of your claim, you will need to put these terms in writing. If you reach an agreement on particular issues in your claim, such as a change in physician, all parties will sign a Consent Order. If you reach an agreement to settle your entire claim, you would sign a document called a Stipulation and Agreement.

If you have any questions that do not require legal advice, our claims assistance staff can be reached at 404-656-3818 or 1-800-533-0682. If you need help locating an attorney, you may call the State Bar of Georgia at 404-527-8700 or 1-800-334-6865.