

Post Termination Investigation

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The economy has brought us many interesting challenges. The loss of a job or the rumor of a cut back can and does produce an uptick in claims. But a claim reported after termination or dismissal can present its own challenges. Although the statute is clear, you must work quickly to gather your evidence and statements to defend your denial.

Prep for investigation assignment

Before assigning an investigation firm to obtain statements and gather documentation, think about what you want to achieve. Each claim is unique even if it looks pretty run of the mill on the surface. Run of the mill can quickly evolve into a monster if you don't take control from the beginning.

During the three point contact, request a list from the employer of all the co-workers and supervisors who interacted with the Claimant on a daily basis. You want to determine if the Claimant ever complained or reported the injury/symptoms prior to termination. If the injury was not witnessed, find out who saw the claimant before and after the alleged injury. Request any video of the area where the Claimant was working at the time of the injury. Let the employer contact know you want the personnel file and the manager's file with all the documentation of the termination and any other information about performance.

Assign the Case to an investigator

If the Claimant has not retained an attorney, assign the investigator to take the Claimant's statement. Give them a complete description of how the injury occurred and all the body parts reported as injured. Guide and direct your investigator; if there is a specific question you want the investigator to ask, state it in your request. Provide the list of employees and supervisor you received from the employer to the investigator. They can schedule the appointments and have them completed quickly instead of coming back to request permission to take the statement of one more witness.

Lastly, let them know your deadlines. Remember to assign a case as soon as you have the information to proceed. Don't run the risk of missing your 90 days because you assigned the case as a rush a week before your deadline. There are too many moving parts in an investigation that can be delayed but could be solved with a little more time.

Read the report ASAP

Don't just read the summary, (I know it really is the best part). Read the whole report and consider the recommendations that are presented by the investigator. Approve them quickly if you want them to proceed.

With a little bit of prep in the beginning you can have enough evidence to defend your case well before the 90 days.