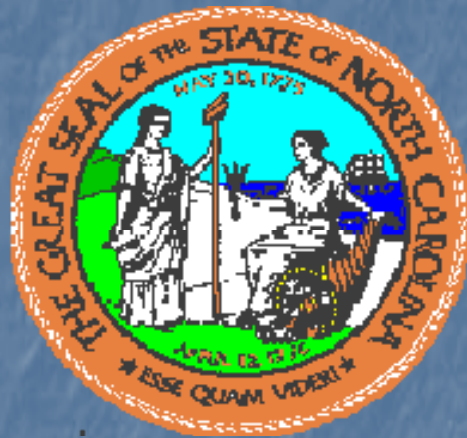


# North Carolina Industrial Commission



# North Carolina Industrial Commission

## COMMISSIONERS:

Pamela Thorpe Young, Chair

Bernadine S. Balance

Buck Lattimore

Laura Kranifeld Mavretic

Danny Lee McDonald

Christopher Scott

Dianne C. Sellers

## ADMINISTRATOR:

Barbara M. Levine

([barbara.levine@ic.nc.gov](mailto:barbara.levine@ic.nc.gov))

In 1929 the North Carolina General Assembly created the North Carolina Industrial Commission to serve as both an administrative and quasi-judicial agency. It has seven Commissioners, one of whom is designated as the Chair.

The North Carolina Industrial Commission is vested as a Court of exclusive and original jurisdiction by the General Assembly to adjudicate and administer the North Carolina Workers' Compensation Act. The Industrial Commission currently processes over 64,000 Workers' Compensation accidents and claims filed annually under the North Carolina Workers' Compensation Act. This responsibility includes overseeing and providing for the trial of contested cases as well as administering non-contested cases. Workers who are injured by accident on the job, or contract an occupational disease receive disability and medical benefits as ordered by the Industrial Commission. Also, the Industrial Commission is a Court of original jurisdiction for adjudicating and administering over 500 State Tort Claims annually under the North Carolina State Torts Claims Act.

Additionally, the General Assembly has mandated the Industrial Commission to provide an adjudicatory process for Childhood Vaccine Related Injury claims and Compensation to Persons Erroneously Convicted of Felonies. It acts as a Court of exclusive and final jurisdiction for death claims made by families of law enforcement officers, fire fighters, rescue squad workers and civil air patrol members arising under the Death Benefits Act. Each of these adjudicatory systems requires administration of contested and uncontested claims, review of agreements and supervision of payment of benefits.

For more information about the  
North Carolina Industrial Commission  
log onto [www.ic.nc.gov](http://www.ic.nc.gov)  
or call 919-807-2500.

# Claims Administration Section

DIRECTOR:

Keischa Lovelace

([keischa.lovelace@ic.nc.gov](mailto:keischa.lovelace@ic.nc.gov))

The Claims Administration Section processes forms regarding certain events that occur during the pendency of the claim. Claimants, employers, insurers and third party administrators submit forms regarding claims for compensation and medical treatment, the first report of injury, payment of compensation, claim denials, return to work, and the amount of money paid on a claim. The Claims Administration Section processes form agreements for payment of death benefits, permanent partial disability and reviews lump sum applications. In addition, it facilitates certain aspects of occupational disease cases, such as panel exams. The Claims Administration Section monitors forms compliance and generates reports regarding different aspects of a claim. It handles interim attorney fee requests and third party requests for documents. Finally, the Claims Administration Section is responsible for the assignment of Industrial Commission file numbers, verifying Workers' Compensation insurance on new or pending claims and answering citizen questions about claim activity.

# Deputy Commissioners Section

CHIEF DEPUTY COMMISSIONER:

Stephen T.Gheen

([stephen.gheen@ic.nc.gov](mailto:stephen.gheen@ic.nc.gov))

Workers' Compensation cases that are not settled at mediation or bypass mediation are docketed by the Deputy Commissioners Section for a formal hearing. In addition, cases under the State Tort Claims Act, administrative appeals from Orders of the Executive Secretary and contempt hearings, which are not generally subject to mediation, are docketed for hearing. Hearings are scheduled every month throughout the State in or near the county where the injury occurred. Hearings are held in a manner similar to the civil court system, whereby the record is reviewed by the Deputy Commissioner, evidence is presented, depositions may be taken, briefs may be submitted, witnesses appear, both sides can plead their case and cross examine the parties. Written Opinions and Awards in Workers' Compensation Cases, and Decisions and Orders in claims under the State Tort Claims Act are issued by the Deputy Commissioners. Some cases conclude with a Compromise Settlement Agreement, which must be reviewed by the Deputy Commissioner to insure that it is a fair outcome for the parties involved. The Deputy Commissioners Section reviews both emergency and expedited medical motions by administrative process, occasionally leading to formal hearings. The administrative proceedings are concluded by orders of the Commission.

# Docket Section

DIRECTOR:

Linda Langdon

([linda.langdon@ic.nc.gov](mailto:linda.langdon@ic.nc.gov))

Requests by parties for formal hearings in Workers' Compensation cases are filed with the Docket Section. The section ensures that all parties are aware of the filing and have the opportunity to respond. After the requests for hearing have been processed, generally the cases are referred to the Mediation Section. Requests for hearing under the Workers' Compensation expedited medical motion procedure are referred directly to the Deputy Commissioners' Section. The Docket Section processes replies to requests for hearing and updates attorney information for cases that are on the docket. It maintains the Commission's database by adding new attorneys and updating the mainframe with current attorney contact information.

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Appeals from Orders of the Executive Secretary's Office to the Deputy Commissioner level and appeals from decisions of Deputy Commissioners to the Full Commission are filed with the Docket Section. All parties are notified of the appeal. For appeals to the Full Commission, the Docket Section orders an official transcript for the case and provides copies to the parties. The Docket Section prepares the case for review and places it on a calendar for hearing by a panel of three Commissioners.

Tort Claims against State departments and agencies and their employees are filed through the Docket Section. Upon receipt of a Tort Claim Affidavit, the section assigns a number to the claim and provides a copy to all parties. The Docket Section receives and distributes all mail for the Tort Claim until the case is referred to the Deputy Commissioners Section by Order of a Commissioner. The Docket Section also oversees the File Room.

# Executive Secretary's Office

EXECUTIVE SECRETARY:

Tracey Weaver

[tracey.weaver@ic.nc.gov](mailto:tracey.weaver@ic.nc.gov)

The Executive Secretary's Office handles the administrative review for the Industrial Commission. This office is responsible for the review, approval or disapproval of the vast majority of Compromise Settlement Agreements filed with the Industrial Commission. This section is also responsible for the review, disposition of and issuing of Orders on Form 24 Applications to Terminate or Suspend Payment of Compensation. Telephone hearings are often held in regard to these applications. In addition, Orders are issued after review of Medical Motions, Administrative Motions, Third Party Settlements and a variety of other issues such as Requests for Attorney Withdrawal.

# Fraud Investigation Section

CHIEF FRAUD INVESTIGATOR:  
Samuel M. Constance  
([samuel.constance@ic.nc.gov](mailto:samuel.constance@ic.nc.gov))

The Fraud Investigation Section is composed of two units, the Non-Insured Unit and the Criminal Investigation Unit.

The Non-Insured Unit handles cases involving employers who are operating as non-insured employers in violation of N.C.G.S. § 97-93 and N.C.G.S. § 97-94. An employer is considered non-insured if the employer does not carry Workers' Compensation insurance, is not self-insured, or cannot cover the medical costs and compensation due to the injured worker. The Non-Insured Unit investigates referrals to determine whether or not an employer is in compliance. Once an investigation is complete and evidence is gathered, it is presented during Industrial Commission non-insured penalty hearings. A Penalty Hearing in a non-insured case is held simultaneously with the underlying Workers' Compensation case. Civil penalties can be assessed covering the entire time-frame that the employer is not insured. The Non-Insured Unit also assists the Office of Attorney General with the enforcement and collection of penalty actions.

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The Criminal Investigation Unit operates as a law enforcement agency and is responsible for conducting criminal investigations into cases of suspected Workers' Compensation fraud and violations related to Workers' Compensation claims involving employees, employers, insurers, health care providers, attorneys, and vocational rehabilitation providers. Fraud Investigators investigate all criminal complaints filed with the Industrial Commission regarding failure of employers to maintain Workers' Compensation insurance (N.C.G.S. §97-94(d)), fraud on the part of employees with regard to the collection or obtaining of Workers' Compensation benefits (N.C.G.S. §97-88.2), fraud on the part of employers with regard to payment or collection of Workers' Compensation premiums from employees' salaries (N.C.G.S. §97-21), medical payment fraud, and any other claims arising out of violations of Chapter 97 by employees or employers. The Fraud Criminal Investigation Unit works with Judicial Officials and other law enforcement agencies throughout the state to resolve the above investigations in criminal court.

# Information Specialists

## Workers' Compensation Information Specialists Section

([infospecialists@ic.nc.gov](mailto:infospecialists@ic.nc.gov))

The N.C. Industrial Commission created a Workers' Compensation Information Specialists Section to assist claimants who are not represented by an attorney, employers, and other parties in protecting their rights. In addition, the Workers' Compensation Information Specialists Section serves as the information source for the Industrial Commission, and answers general questions pertaining to all aspects of the Workers' Compensation Act, Tort Claims Against State Departments and Agencies and other statutes under the jurisdiction of the Industrial Commission and related rules.

# Information Technology Section

DIRECTOR:

Jennifer S. Flowers

[jennifer.flowers@ic.nc.gov](mailto:jennifer.flowers@ic.nc.gov)

The Information Technology Section is responsible for the Technology Strategy for the Industrial Commission. The team consists of IT and Scanning staff. The team develops plans for technical and operational processes, software programs and upgrades as well as maintaining agency software applications, software licenses and onsite hardware. The staff is responsible for administrating databases, data security and operation management functions. Providing training and support to the staff for computer issues and desktop applications is a top priority. The staff is responsible for the scanning, indexing, verification, storage and retrieval of the agency's documents. IT Staff consists of: one IT Manager, three Systems Analysts, one Website Administrator, four Scanners, one Project Manager from Office of Information Technology Services (ITS), and two Contractors.

# Mediation Section

DIRECTOR:

John C. Schafer

[john.schafer@ic.nc.gov](mailto:john.schafer@ic.nc.gov)

When a claim is contested the parties are generally referred to Mediation as a way of resolving a claim without a formal hearing. When an injured worker is not represented by an attorney the case usually bypasses mediation. The Mediation Section oversees this process by ruling on any motions related to the mediation process, and by insuring that the parties and mediators adhere to certain timelines, move the case forward, and submit the required forms and reports. While the mediators who serve in these cases do not work for the state, the mediators on the Industrial Commission's appointed list must complete a formal training process and be certified by the Dispute Resolution Commission.

# Medical Fees Section

DIRECTOR:

Bernadine Singh

([bernadine.singh@ic.nc.gov](mailto:bernadine.singh@ic.nc.gov))

The Medical Fees Section is responsible for processing bills for medical services provided as a result of a Workers' Compensation claim. Medical bills are reviewed and where necessary adjusted in accordance with the Industrial Commission's Medical Fee Schedule and then mailed to the insurance carrier or self-insurer handling the claim. It responds to medical inquires, resolves medical fee disputes and assists in the review and updates of the Medical Fee Schedule.

# Workers' Compensation Nurses Section

DIRECTOR:

Karen B. Smith

([karen.smith@ic.nc.gov](mailto:karen.smith@ic.nc.gov))

The Workers' Compensation Nurses are assigned to different geographic regions of the state and assist with Workers' Compensation cases that have highly complex medical components and/or where medical rehabilitation is not proceeding in a manner that is likely to lead to the injured worker being able to make the maximum recovery possible. Often there are communications issues or misunderstandings between the worker, medical provider and the carrier. The Workers' Compensation Nurses aim to assist the injured worker through the recovery phase following the injury, often working in conjunction with Rehabilitation Professionals coordinating activities and treatment plans. They provide in-service education to companies and professional groups on NCIC Rehabilitation Rules.

# Safety Education Section

DIRECTOR:

Dennis E. Parnell

([dennis.parnell@ic.nc.gov](mailto:dennis.parnell@ic.nc.gov))

The Safety Section of the North Carolina Industrial Commission was created as part of the original North Carolina Workers' Compensation Act of 1929 as an educational, training, and public relations unit to promote safety and accident prevention in the industrial workplaces of the state of North Carolina.

The Safety Education Section offers a broad range of free accident prevention and safety programs that range from single session targeted classes in a wide range of topics to a thirty hour Accident Prevention Certificate Awareness Program. In addition, the Safety Education Section sponsors eight Regional Safety Councils that serve all of the counties of the state. It maintains a safety video library and hosts an annual North Carolina Statewide Safety Conference.