



State of Wisconsin \

Department of Industry, Labor and Human Relations

November 14, 1984

397-54-6345 & 75 38916

WORKER'S COMPENSATION DIVISION

201 E. Washington Avenue
P.O. Box 7901
Madison, Wisconsin 53707
Madison (608) 266-1340
Milwaukee (414) 224-4382

Attorney Richard A. Fortune
P. O. Box 97
Racine, Wisconsin 53401-0097

Dear Mr. Fortune:

██████████
vs.

American Motors Corporation
9712

The statute setting forth the circumstances under which the employer can obtain an examination by a physician of their choice is Section 102.13(1). The request for this examination by the employer must be in writing and it must be a reasonable examination. The employer must also tender to the employe, before examination, all necessary expenses, including transportation expenses. The examination cannot be more than 100 miles from the employe's residence. These are clear statutory mandates, which must be followed. It is not our policy to unilaterally suspend benefits unless the above conditions have been fulfilled. Before suspending benefits based upon a unilateral communication from the employer and insurance company, we do ask the employe or his attorney for an explanation as to why a particular appointment was not kept. This of course is predicated on the fulfillment of the statutory requirements.

Very truly yours,

H. F. Benkert
Legal Services Director

HFB:TU2202

cc: American Motors Corporation
5626--25 Avenue
Kenosha, Wisconsin 53140