



State of Wisconsin \

Department of Industry, Labor and Human Relations

October 15, 1987

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 J. Cayo  
Halling & Cayo, S.C.  
839 North Jefferson Street  
Milwaukee, WI 53202

Dear Mr. Cayo:

WC CLAIM NO: 87 33355  
INJURY DATE: 05/29/87  
EMPLOYEE: [REDACTED]  
EMPLOYER: Maple Leaf Farms, Inc.  
INSURER NO: 00231447

IF YOU CALL OR WRITE US  
PLEASE USE WC CLAIM NO.

Physicians, chiropractors, or podiatrists attending a worker's compensation claimant for any condition or complaint reasonably related to the condition for which the claimant claims compensation may furnish to the employe, employer, worker's compensation insurance carrier, or the Department information reports relative to the compensation claim. Therefore, written authorizations from the claimant are not necessary. However, we understand that as a practical matter, sometimes authorizations are required to convince the particular doctor that he or she should release the information. It is the practice of some applicant's attorneys when they furnish this information to place restrictions on that authorization. However, as we have stated many times before, those restrictions are an abrogation of the Worker's Compensation Act and are not valid.

It is the practice of the Division not to delay proceedings because the applicant doesn't furnish an authorization. Since the requirement to furnish an authorization is not in the statutes, we cannot delay proceedings because of the failure to produce such authorizations. The same rationale would apply to restricted authorizations. In other words, we will not delay proceedings because of the failure to produce any authorizations or even a restricted authorization.

We have consistently told respondents and self-insured employers that they should subpoena to the hearing any persons or documents which they believe appropriate. If at the time of the hearing, this is their first information regarding a particular subject, they can then request another hearing on the basis of surprise. This, of course, will result in a significant delay to the applicant's case. The applicant's attorney should realize that by failing to give an authorization or limiting an authorization, he or she may be extending

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the time between the application and the issuance of an order. The issues of providing authorizations and talking to the applicant's doctor has become an increasing problem for the Division. The only result of this continuing dichotomy is to delay hearings and increase the lag time between the filing of the application and the issuance of an order.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. F. Benkert". The signature is written in dark ink and is positioned below the word "Sincerely,".

H. F. Benkert

Legal Services Director

HFB:WE1004