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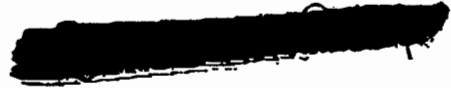
December 18, 2000

ATTORNEY LAURA L SALERNO
15800 W BLUEMOUND RD 220
BROOKFIELD WI 53005-6003

WC CLAIM NO:
INJURY DATE:
EMPLOYEE:
EMPLOYER:
INSURER NO:



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



Dear Attorney Salerno:

Formal discovery is very limited in worker's compensation cases in Wisconsin. If Attorney [REDACTED] does not voluntarily provide a release authorization signed by the applicant to allow access to his records from the Social Security Administration, your remedy is to subpoena the appropriate individual and/or documents to the hearing. In the event you are surprised by the disclosure of any evidence subpoenaed to the hearing, you must request the administrative law judge at the time of the hearing to grant a concluding hearing for additional time to present your case. The decision about whether to grant a concluding hearing under such circumstances will be left to the discretion of the presiding administrative law judge.

If the Social Security Administration will not honor a subpoena to disclose the applicant's records at a hearing, you should request the administrative law judge at the hearing to draw a negative inference pertaining to the applicant's claim based upon his refusal to provide access to records related to a social security claim. I believe that for the appropriate case, it is reasonable for an administrative law judge to draw the negative inference based on the applicant's concealment of relevant information. The decision about whether to draw a negative inference based on the applicant's concealment of records related to a social security claim will be left to the discretion of the presiding administrative law judge assigned to conduct a hearing in this case.

By copy of this letter, Attorney [REDACTED] is reminded that the Worker's Compensation Division has always encouraged the voluntary and free exchange of relevant information between the parties in litigated cases. Records related to a social security disability claim by an injured worker are relevant to the disposition of a claim for compensation under Chapter 102 of the statutes. Failure to provide an authorization for access to the applicant's social security records as requested by Attorney Salerno as soon as possible before a hearing may result in unnecessary delays, including continued hearings, before the case is finally resolved. To make the most effective use of everyone's time and resources, I recommend that you voluntarily provide an authorization for release of the applicant's social security records as requested by Attorney Salerno as soon as possible.

December 18, 2000


Sincerely,

James T. O'Malley
Administrative Law Judge


Carbon Copy sent to:
