

Scott McCallum
Governor

Jennifer Reinert
Secretary

Judy Norman-Nunnery
Division Administrator



State of Wisconsin

Department of Workforce Development

WORKER'S COMPENSATION
101 East Washington Avenue
P.O. Box 7901
Madison, WI 53707-7901
Telephone: (608) 266-1340
Imaging Server Fax: (608) 260-2503
Fax: (608) 267-0394
<http://www.dwd.state.wi.us/wc/>
e-mail: DWDDWC@dwd.state.wi.us

June 8, 2001

ATTORNEY PHILIP LEHNER
SUITE 11
6233 BANKERS ROAD
RACINE WI 53403

WC CLAIM NO: 1999-040092
INJURY DATE: 07/26/99
EMPLOYEE:
EMPLOYER: VISITING NURSE MANAGEMENT CORP
INSURER NO: 04992953

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

Dear Attorney McGillis:

Your letter of May 23, 2001, concerning Attorney Philip Lehner's objection to records from Sports Physical Therapy and Rehab Specialist was brought to my attention.

It is inappropriate for me, at this time before a hearing, to issue a ruling on an objection pertaining to the admissibility of evidence at a future hearing. Any objection Attorney Lehner has concerning the admissibility of evidence must be raised at the time of a hearing. The ruling on any such objection will be left to the discretion of the presiding Administrative Law Judge who conducts the hearing because he or she will be in the best position to make the correct decision.

The Worker's Compensation Division does not recommend that all records from health care providers are to be served before a hearing. We recommend that only those records, which are related and material to the worker's compensation claim should be provided to the Worker's Compensation Division before a hearing. However, attorney's representing other parties, such as Attorney Lehner, maybe concerned that all relevant records are not being disclosed. I recommend that in the future you provide Attorney Lehner with copies of all certified records from health care providers and provide the Worker's Compensation Division with only those records, which are related and material to the claim. I also recommend that it should be noted on a cover letter that not all of the certified records are being provided to the Worker's Compensation Division.

I hope this information is useful.

Sincerely,

James T. O'Malley
Administrative Law Judge
PillizziChristine:JTO:dIm

Original Copy sent to:
ATTORNEY MARK P MCGILLIS
1300 S GREEN BAY RD STE 302
RACINE WI 53406