

## **MINUTES FROM NOVEMBER 2, 2018**

The meeting was called by Chair Dennis Flynn. The attendees were:

Dennis Flynn, Rosa Bava, Jason Chizick, Dan Herbert, Dan Zolkowski, Sean Shearer, Sam Larrabee, Rick Lovernick, Dan DeGraw, Mark Long, Lisa Klaeren, Phil Frame, Chris Westgate and Tim Esper.

### **Secretary's Report**

Secretary Rosa Bava sent the minutes prior to the meeting. Dan Zolkowski moved to have them admitted. Chris Westgate seconded.

**Motion passed with all ayes no nays.** Minutes entered.

### **Treasurer's Report**

Treasurer Jason Chizick submitted the financials. He indicated that all incoming bills/receipts as of November 2, 2018 were paid. He emphasized that going forward if there is no receipt there is no payment.

Rosa Bava moved to have the treasurer report accepted. Sam Larrabee seconded. **Motion passed and the treasurer's report was accepted with all ayes and no nays.**

### **Director Report**

Director Mark Long indicated that any FOIA request can be reviewed and copied at agency. The procedure is to email Anne Williams or Director Long. If you are only wanting to copy you do not have to go through FOIA.

Director Long discussed retroactive rescinding WC policies when the employer obtained policy under false pretense. It tears at the heart of workers' compensation exclusive remedy. There are two cases involving this. Concern was if this was a trend.

Percent calculation was discussed and how to calculate. Two council members will meet with the director to discuss proper way of doing this and come to a consensus. The two council members are Phil Frame and Sam Larrabee.

Jason Chizick indicated that he would like to see clarification and revising of language on redemption regarding adequacy of conditional payments.

### **Chief Magistrate Klaeren**

Magistrate Klaeren discussed Medicare must be specific.

No formal rules have been set up by MAHS. This probably will not occur until next year. The general rules only were cleaned up for grammar.

There are 7 out of the 14 sitting magistrates up for re-appointment. If they are delayed, there will be double dockets. The application process usually opens in January. We may also see that in mid December will be last time for a trial until February.

The GM Cap cases are below 100. Many are settlements or withdrawals. Two have gone to trial.

Mag. Klaeren indicated the frustration that there are errors on paper work. Ten day Letters are months old without current date or signature. Ten Day Letters must have amount, date of proposed redemption or signed. Paper work and documents that are submitted must be accurate.

### **MCAC UPDATE**

David DeGraw discussed that the appoints for the Appellate Commission is in July where there will be commissioners up for re e-appointments.

There have been 66 total cases. There are 41 ready for review. Age is down from 2016. There are 42 cases that have been reviewed. Ten are almost completed. Last year there were 43 decisions that were completed.

There are 471 unemployment cases for review. They are taking 40 days or less.

### **Legislative Update**

No updates.

### **Newsletter**

Jayson Chizick stated all the articles are all in. There will be a newsletter in February and April. Dan Zolkowski will replace Jayson Chizick as editor at that time.

### **Winter Meeting**

An e blast will be sent and flyers. Dr. Noud has been paid. There will be slides along with presentation. There will be an 8:00 breakfast. General meeting to commence at 9:00. Dr. Noud's presentation will begin at 10:45 am.

Council Meeting will take place after Section meeting.

### **Summer Meeting**

This will take place at Indigo on June 13-14, 2019. We need suggestions for speaker/topic. Discussion for possible topics was entertained.

### **Kids Chance**

Chris Westgate indicated he discussed our contribution, the foundation financials and recipients with Paul Kauffman. Reserves and recipients were up. WC Section does not need to make contribution until August 2019 so we can look at this later. The contribution from WC Section was tabled to March 2019 Council meeting to review.

### **New Business**

The two section members to assist Director Long with consensus on calculation of interest per the statute were selected: Phil Frame and Sam Larrabee. This was moved by Jason Chizick and seconded by Phil Frame. **Motion passed with all ayes and no nays**

### **WC Theme Issue of the Michigan State Bar Journal**

The Journal need 4 2500 work articles. Discussion was held regarding topics. The Section indicated Andrea Hamm and Rosa Bava to volunteer to spear head this. Going forward with the WC theme based Journal and the volunteers was moved by Jayson Chizick and second by Chris Westgate. Motion passed with all ayes and no nays.

Phil Frame moved to adjourn meeting. Chris Westgate seconded. **Motion passed with all ayes and no nays.**

Meeting concluded.

The above minutes were distributed to Section members. On December 7, 2018 Phil Frame moved to have minutes approved. Rick Lovernick seconded. **Motion passed with all ayes and no nays.**

Respectfully submitted,

Rosa Bava  
Secretary  
Workers' Compensation Section Council