



The Texas Governor's Committee on People with Disabilities
Accessibility and Disability Policy Webinar Series
April 22, 2026

Accessing Workers' Compensation Benefits

presented by
Office of Injured Employee Counsel

For more information: www.gov.texas.gov/disabilities - gcpd@gov.texas.gov - 512-463-5749

General Information

- Chat is disabled in Zoom Webinar Mode. Please use the Q&A tool if you have questions for our presenters. Questions will be answered near the end of the webinar.
- After the webinar, you will have the option to complete a survey for feedback. Zoom will also send an automated email if you wish to complete the survey later. This email will also include a link to our GCPD page to access the webinar recording and other materials.



Office of Injured Employee Counsel

Presenters: Kaitlyn Kelly and Alex Elias

What is workers' compensation?

- State regulated insurance program.
- Pays medical bills and portion of lost wages to injured employee. Also pays for medical treatment for life for an accepted compensable injury.
- Not mandatory in Texas, except for certain government entities, educational institutions, and private employers who enter into a building or construction contract with a government entity.
- Benefits the injured employee and limits the employer's liability.

Participants of the Workers' Comp system:

Injured employees

Healthcare providers

Employers

Attorneys

Insurance carriers

OIEC Ombudsman and other staff

The Office of Injured Employee Counsel is a state agency that assists injured employees with their workers' compensation disputes for FREE.

- Created in 2005 by the Texas Legislature.
- Headed by Public Counsel Robert Rucker.
- Administratively attached to the Texas Department of Insurance, Division of Workers' Compensation.

OIEC Field Offices

Abilene	Houston West
Amarillo	Laredo
Austin	Lubbock
Beaumont	Lufkin
Corpus Christi	Midland
Dallas	San Angelo
Denton	San Antonio
El Paso	Tyler
Fort Worth	Waco
Houston East	Weslaco

- 20 OIEC field offices across Texas.
- Co-located with TDI and Division of Workers' Compensation.
- 160+ employees throughout Texas.
- All OIEC services are FREE.
For unrepresented injured employees

Regulates workers' compensation system

TDI | Division of Workers'
Compensation

*Educate, assist, and advocate
for injured employees*

 | Office of Injured
Employee Counsel

OIEC and Workers' Compensation

State agency roles

Disputes vs. Complaints

It is important to know if an issue is a complaint or a dispute because it helps determine the process for resolution.

Disputes

- Is "a disagreement between two parties".
- Example: insurance carrier covers a back strain by denies coverage for related neck injury.
- OIEC can assist unrepresented injured employees with their disputes.

Complaints

- Is "an allegation of violation of the law" by a system participant.
- Example: a payment being issued late by the insurance carrier.
- DWC, the regulatory agency, handles complaints.

Educate

Customer Service Program

Assist

Ombudsman Program

Advocate

Legal Services

Our Mission

OIEC's mission is to educate, assist, and advocate on behalf of the injured employees of Texas.



What happens when there is a dispute?

Income Benefit Disputes

- A disputed issue regarding compensability and entitlement to income or death benefits.
- Arises out of course and scope of employment – compensation is payable.

Medical Disputes

- Mainly addresses preauthorization disputes, retrospective medical necessity disputes, or medical fee disputes.

Income Benefit Dispute Resolution

Early Assistance Program

- Work towards early agreements and prepare claims to send to higher level ombudsman when needed.

OIEC Ombudsman

- Dispute cannot be resolved easily.
- Meet with injured employee, gathers information, develops claim, and tries to resolve dispute.
- Experts in workers' compensation and dispute resolution.
- Not attorney – assist vs. represent.



Medical Disputes

Ombudsman can also assist with these disputes.

Medical Disputes Resolution:

- Mainly addresses preauthorization disputes, retrospective medical necessity disputes, and medical fee disputes.
- Medical care must be deemed reasonable and necessary for insurance carrier to be liable for payment.



Benefit Review Conference (BRC)

A BRC is non-binding mediation. A DWC Benefit Review Officer conducts the conference and is an impartial individual trained to help parties resolve disputes.

OIEC Ombudsman

- Help gather information and documentation.
- Prepare injured employee for BRC.
- Assist at proceeding, includes presenting the injured employee's position and participating in informal discussion.

Results of BRC

- The dispute can be resolved on the date of the BRC;
- Another BRC could be scheduled for additional information; or
- The dispute isn't resolved and goes up to a Contested Case Hearing.

Contested Case Hearing (CCH)

A CCH is a formal hearing (a trial) where evidence is presented and testimony is taken.

It can last about 2 hours and the decision is binding- pending an appeal.

*Can be done virtually if all parties agree.

OIEC Ombudsman

- Meet with the injured employee to plan what is needed.
- Exchange evidence.
- Discovery prepare statements.
- Direct/cross-examining witnesses.

Results of CCH

ALJ proceeds over CCH.

- Issues a written decision based on witness testimony and evidence.
- Either party can file a written appeal if they disagree with the decision.

Appeals Panel

Immediately after the Contested Case Hearing, the ombudsman provides information to the injured employee regarding a possible Request for Review by the Appeals Panel.

OIEC Ombudsman

- Discuss options and explain appeals process.
- Can help file or respond to a request for appeal.
- Last step in the dispute resolution process that OIEC participates in.

Appeals Process

- Appeals panel makes a determination if the law was correctly applied.
- May allow the decision to become final, reversed, and/or remanded.
- Can request judicial review of appeals panel decision, but OIEC cannot help at this level.

Disability in the Workers' Compensation System

Disability in workers' compensation focuses on the loss of wages, not physical impairment.

- Defined as the the inability to earn pre-injury wages due to the work related injury.
- What can be evidence of disability?
 - Unable to work due to injury.
 - Can work with light duty restrictions.
- Disability in workers' compensation can end if:
 - Wage loss is due to something other than the injury (e.g., termination).
 - Earning return to pre-injury levels.
- Required to qualify for Temporary Income Benefits (TIBs).

Maximum Medical Improvement

- Point where you're not expected to get better.
- Two types:
 - **Clinical MMI** = "as good as you are going to get"
 - Example: You can put a broken vase back together, but there will always be cracks left.
 - **Statutory MMI** = reached after 104 weeks of benefits
 - Law places limits on how long you are eligible for MMI.
- Determined by a state-certified doctor.

Improvement Rating

- Given after MMI is reached.
- A percentage of permanent impairment to the body due to work related injury.
- Assigned by a state-certified doctor.
- Based on AMA Guides to Permanent Impairment.

Income Benefit Overview

TIBs, IIBs, and SIBs will terminate at 401 weeks after date of injury.

Temporary Income Benefits (TIBs):

- For employees with lost wages due to the work injury
- Based on average weekly wage
- Paid until the date of MMI (clinical or statutory) or when disability ends

Impairment Income Benefits (IIBs):

- Begins the day after TIBs end
- Based on Impairment Rating (IR)
- 3 weeks of pay per 1% IR
 - 10% IR = 30 weeks of IIBs

Supplemental Income Benefits (SIBs):

- Can begin after IIBs runs out
- Helps supplement income
- Requires proof of job search, work, or medical inability
- Can be paid for years

Income Benefit Overview

Lifetime Income Benefits (LIBs)

- Does not have a statutory deadline; Paid for life.
- Must meet one of the requirements to qualify:
- Are usually severe injuries such as amputations, paralysis, or traumatic brain injuries.

Death Benefits

- Paid to legal beneficiaries of the deceased employee.
- Required compensable injury resulting in death.

ADA Accommodations



OIEC's ADA Coordinator,
Kathleen Contreras

Email her at:

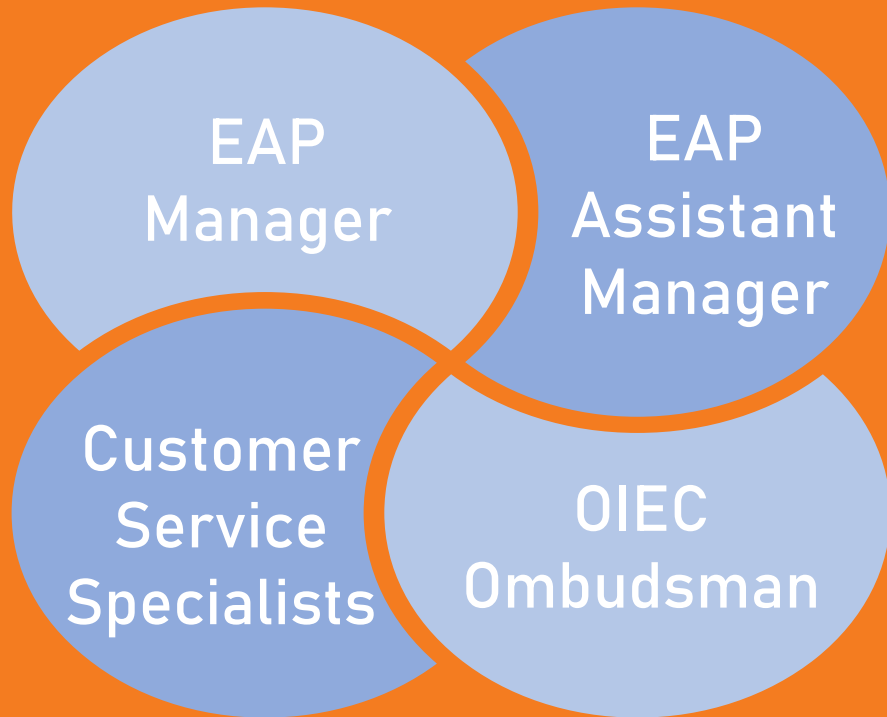
Kathleen.Contreras@oiec.texas.gov

The last Texas Legislature recently approved remote CCHs:

- Remote hearings benefit individuals with limited mobility or those who prefer to use resources at home.
- Both parties must typically agree to a remote hearing.
- The Division of Workers' Compensation may also decide to hold hearings remotely.

To Request Accommodations:

- Individuals needing accommodations, auxiliary aids, or service modifications should contact OIEC's ADA Coordinator, Kathleen Contreras.
- Requests should be made as soon as possible, at least 48 hours before the scheduled event.
- Advance notice is important, as some accommodations may require coordination with outside parties.



Early Assistance Program

- Claims are streamlined to the Early Assistance Program.
- Immediate contact and follow ups to injured employees.
- Work towards early agreements of disputes.
- Thoroughly prepare claims to send to higher level ombudsman.
- Strive to decrease the time to complete the dispute resolution process.

First Responder Unit

Additional staffing allows the unit to:

- Develop first responder cases earlier in the process.
- Contact first responders to provide regular updates and address questions or concerns.
- Provide training to ombudsman and other personnel.

First Responder
Unit Manager

Admin.
Assistant

FR Liaisons

FR Liaison
Assistants



Tips for injured employees

- Remain in contact with employer, doctor, insurance adjuster, their OIEC ombudsman or attorney if they have one.
- **KEEP ALL PAPERWORK!**
- Have the following information available:
 - Job title
 - Job functions
 - Medical history of injury
 - Expert opinion from a doctor

Success Stories



Homer Salinas

Mission, TX Firefighter

Carrie Stewart

Austin, TX Firefighter



Homer Salinas



- Firefighter in Mission, TX since 1993.
- Non-tobacco user.
 - Spouse is non-smoker.
- October 2017 – diagnosed with renal cell carcinoma.
- Surgeries to remove the mass/determine treatment.
- Received chemo treatments.
- Not able to work for a period of time.



Carrie Stewart

- Firefighter in Austin, TX since 2000.
- 2015 – diagnosed with breast cancer.
- Doctors determined her cancer was work-related.
- TDI and DWC ruled in her favor.
- City of Austin filed a lawsuit against Stewart in 2017, but was dropped in 2018.





First Responder:
Carrie Stewart

- Must be in writing.
- Must be detailed and explicit.

Must include:

- DWC form
- Location
- Schedule
- Wages
- Physical & time requirements of position
- Statement that the employer will only assign tasks consistent with the employee's physical abilities, knowledge, and skills and will provide training, if necessary.

Bona Fide Offers of Employment

Return to Work Resources

The Division of Workers' Compensation, DWC, provides information and education about return to work programs and what injured employees may need to return to work.

Resources include:
RTW checklist, RTW video guide, Employment resources, etc.

To access these resources:

- Scan the QR code to the right
- Visit DWC's Return to Work page:
 - www.tdi.texas.gov/wc/rtw/index.html
- Email DWC's Return to Work email address:
 - RTW.Services@tdi.texas.gov



When to refer to OIEC?

If you:

- Have a Texas workers' compensation claim,
- Are not represented by an attorney on claim,
- And have a possible dispute.

For more information:

Visit our website: OIEC.TEXAS.GOV

Give us a call at (866) 393-6432

Watch valuable videos about BRCs, CCHs, and more on our Youtube page: [OIECTube](#)