



# Overview of Workers' Compensation Division's Alternative Dispute Resolution unit for Rehabilitation Review Panel

Brian Mak | Alternative Dispute Resolution director

# Purpose

- The role of the Alternative Dispute Resolution (ADR) unit is to help parties resolve disputes about workers' compensation benefits, before or after a formal dispute has been filed, by:
  - facilitating resolution of workers' compensation disputes quickly, cooperatively and cost-effectively;
  - helping preserve or rebuild healthy working relationships; and
  - working to proactively avoid unnecessary disputes through one-on-one education by experts in the workers' compensation field.
- Four primary methods of service:
  - early and informal dispute prevention and resolution;
  - dispute certification;
  - administrative conferences; and
  - mediation.

# Services of ADR

**Early and informal dispute prevention and resolution:** Provide expert education and legal options to anyone needing assistance. Inquiries are received by referrals for direct contact to ADR unit. ADR staff members provide assistance through phone calls, email and in-person meetings at the Department of Labor and Industry (DLI).

**Dispute certification:** By law, a fee may not be charged by an attorney unless ADR has reviewed the reported dispute, contacted the parties to attempt to resolve it and certified there is a genuine dispute.

**Administrative conferences:** When a dispute is certified, an ADR arbitrator holds an informal conference with the parties to hear the positions of each side, attempt settlement where possible and issue a written decision. ADR staff members attempt to complete the conference and the decision within about three months from the time of filing.

**Mediation:** At any stage of a workers' compensation claim, the parties can request to meet with an ADR mediator to help the parties attempt to reach a settlement of all or part of the employee's benefits.

# Mediation and settlement overview

- Mediations are always voluntary and are conducted at the request of any party if there is mutual agreement.
- There is no charge to any party for mediations by ADR.
- Mediations are conducted either in person or by phone.
- Mediators are neutral and do not provide legal advice to any party.
- Negotiations are *typically* conducted by attorneys for the parties, but parties are not required to have an attorney.
- Intervenor interests are addressed during mediation.
- Settlement agreements are typically prepared by attorneys and reviewed and approved by a compensation judge at the Office of Administrative Hearings.

# ADR staff

- **Management:** Brian Mak, director; Donna Olson, supervisor; Melissa Parish, supervisor
- **Arbitrators/mediators:** Christie Ahern; Walter Bowser; Rena Cummings; Aaron Frederickson; Steve Gilmore; Deb Heisick; Frances Li; Keith Maurer; Steve Moe; Patti Provencher; Chris Raymond; Steve Sullivan; Nancy Wallrich
- **Support staff:** Angela Douglas; Lori Herzog; Brenda Niemann; Angela Sandstrom; Tami Swerdfiger

# Contact ADR and the Workers' Compensation Division

- ADR general inquiries: 651-284-5032; [dli.workcomp@state.mn.us](mailto:dli.workcomp@state.mn.us)
- ADR mediation inquiries: 651-284-5030; [mediation.dli@state.mn.us](mailto:mediation.dli@state.mn.us)
- ADR information: [dli.mn.gov/workers/workers-compensation/work-comp-alternative-dispute-resolution-services](https://dli.mn.gov/workers/workers-compensation/work-comp-alternative-dispute-resolution-services)
- Brian Mak, director: 651-284-5344; [brian.mak@state.mn.us](mailto:brian.mak@state.mn.us)
- Donna Olson, supervisor: 651-284-5343; [donna.p.olson@state.mn.us](mailto:donna.p.olson@state.mn.us)
- Melissa Parish, supervisor: 651-284-5431; [melissa.parish@state.mn.us](mailto:melissa.parish@state.mn.us)
- DLI's Workers' Compensation Division Help Desk: 651-284-5005 (press 3); 800-342-5354 (press 3); [helpdesk.dli@state.mn.us](mailto:helpdesk.dli@state.mn.us)