

The Ironworkers Alternative Dispute Resolution Program

Q. What is my Union's Workers Compensation Alternative Dispute Resolution (ADR) Program?

A. The ADR Replaces the State system for processing claims for employer liability for injuries to union members arising out of and in the course of employment.

Q. What does the ADR process consist of?

A. The ADR is a 3 step process of using an [Ombudsman](#), Mediator, and Arbitrator to resolve disputes and disagreements.

Q. What is the [Ombudsman](#) stage of the ADR process?

A. The [Ombudsman](#) stage is a non-litigation first step. Any dispute must first be presented to the Ombudsman for assistance in resolving. [Ombudsman](#) is a Scandinavian word that means one who investigates complaints, reports findings and helps achieve a fair settlement.

Q. What is Mediation?

A. Mediation is a non-litigation second step of the ADR process and is only available if the Ombudsman is unable to resolve the dispute. The Mediator is a retired workers compensation judge who will use informal communications to resolve issues. All parties (other than the Employer) are required to personally attend and use good faith efforts at the informal hearing to resolve their dispute with the Mediator.

Q. What is Arbitration?

A. Arbitration is the litigation stage of the ADR process and is only available if the Mediator is unable to resolve the dispute that was presented by the Ombudsman. At Arbitration (the injured worker if not represented) or attorneys for the parties present the case at the Arbitration hearing/trial. After reviewing the evidence and the transcripts the Arbitrator has 30 days to make their binding decision.

Q. Who do I contact if I have a problem or a question concerning my workers compensation claim?

A. Do not hesitate to contact the [Ironworkers Workers Compensation Program Ombudsman – Eric J. Nobriga Sr. \(626\) 356-3051. Email address: \[eric.nobriga@ironworkerbenny.net\]\(mailto:eric.nobriga@ironworkerbenny.net\)](#).

Q. Will an attorney know about the ADR Program?

A. Not necessarily. Many attorneys have limited focus and little or no knowledge of ADR's and the statutes that authorize ADR's. Information and a copy of the Addendum which lists the Programs Rules can be found on our website: www.ironworkersadr.com.

It's always a good idea to evaluate an attorney's website and client reviews before you select an attorney to represent you.

Q. Do I need to get an attorney to file a workers compensation claim?

A. No, in your ADR Program, the filing of the Claim form with your employer is the filing of your workers compensation claim. However if you feel an attorney is necessary you may retain one at any time in the ADR process.

Q. What is the role of an attorney if I do choose to retain one?

A. Your attorney should: respond to you in a timely manner; discuss with you what you wish to achieve by litigating your workers compensation claim; keep you up to date with written correspondence, medical reports and other explanatory and informative communications; provide recommendations in writing with supporting documentation when/if urging you to give up your right to future medical treatment in return for cash; and personally discuss your case with you if you prefer not to rely upon paralegal or other non-attorney staff.