McCONNAUGHHAY · COONROD WEAVER · STERN P.A.

For additional information on our practice,



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LIEN RECOVERIES

Liens for recovery of workers' compensation benefits require specific knowledge of the statutory process, as well as workers' compensation claims in general. Our firm has developed the experience to assist our clients with such recoveries.

When an injury occurs as a result of the fault of a third party (someone other than the claimant or his employer) the employer and/or the workers' compensation carrier have a statutory right to a portion of any recovery made against the third party. Section 440.39, Florida Statutes, outlines the rights of the employer and the carrier, along with the procedures which must be followed to perfect a lien recovery. Failure to follow the proper procedures could preclude recovery by the employer and the carrier.

If unresolved, third party liens are litigated in state court rather than through the workers' compensation administrative process. Most liens are resolved by the parties through informal negotiations. Knowledge of the Manfredo formula and application of those factors to address the claim facts and potential damages are critical to a satisfactory resolution. Where appropriate, assisting the claimant in pursuit of the third party may increase the likelihood of a

recovery sufficient to satisfy the lien. Additionally, the employer and the workers' compensation carrier have a duty to cooperate with the claimant, to include preserving evidence, producing documents, and allowing inspection of premises. Failure to cooperate can reduce or bar the employer/carrier's lien recovery.

McConnaughhay Coonrod attorneys are ready to assist in perfecting and obtaining lien recovery, whether in court through an equitable distribution proceeding, or by utilizing the lien to reach a global resolution of workers' compensation issues.