# How to file a Petition Appealing Denial of Return-to-Work Supplement Decision

If you do not agree with the decision made by the director over your returnto-work supplement benefit, you must file an appeal.

The petition shall be based upon one or more of the grounds as prescribed for petitions for reconsideration in California Labor Code Section 5903.

Your local district office of the Workers' Compensation Appeals Board (WCAB) must receive your petition within 20 days from the date the director's decision was issued. The date of the decision can be found in the upper left-hand corner of the determination letter.

Your petition must include your full name, ADJ case number, RTWSP application number, and a brief statement of the facts supporting your petition. Please note that all forms must be typed or handwritten in block letters to insure legibility. Fill out the form completely and be sure to sign and date it.

### Send the original petition to your local WCAB office and a copy to:

Return-to-Work Supplemental Program (RTWSP)
Department of Industrial Relations
Attn: Appeals
1515 Clay Street, 17<sup>th</sup> Floor
Oakland, CA 94612-1499

Submit the following documents with your form filing in the order shown:

- ✓ Document Cover Sheet
- ✓ Document Separator Sheet (for Appeal of Director's Return to Work Supplement Decision)
- ✓ Petition Appeal of Director's Return To Work Supplement Decision
- ✓ Verification
- ✓ Document Separator Sheet (Correspondence other)
- ✓ Notice of Benefit Ineligibility Letter (*Copy of the Letter*)
- ✓ Document Separator Sheet (for Proof of Service by Mail)
- ✓ Proof of Service by Mail

Keep copies of your filings for your records.

#### **Information & Assistance Unit guide 23**

Once the petition is received, the Director's Office may file an answer to your petition within 20 days of the date of service of the petition.

If you have an ADJ case number starting with a zero "0" (i.e. ADJ**0**12345678), it means you were issued a temporary ADJ number. In order to receive a valid ADJ case number, you will need to submit an "Application for Adjudication of Claim". To do this, please see I&A guide 4: <a href="https://www.dir.ca.gov/dwc/iwguides/IWGuides04.pdf">https://www.dir.ca.gov/dwc/iwguides/IWGuides04.pdf</a>. All other ADJ case numbers are valid.

In order to have your petition addressed by a judge, you must also complete and file a "Declaration of Readiness to Proceed" (DOR). For instructions on how to complete and file a DOR, please see I&A guide 5: <a href="https://www.dir.ca.gov/dwc/iwguides/IWGuide05.pdf">https://www.dir.ca.gov/dwc/iwguides/IWGuide05.pdf</a>. Please file the DOR 30 days after the service date of the petition.

All documents filed with the WCAB must include a document cover sheet and document separator sheet. Please see I&A guides 17 and 18 to learn how to complete these forms. Additional form instructions can be found on the EAMS OCR handbook at

http://www.dir.ca.gov/dwc/eams/SampleFiles/EAMS OCR%20handbook.pdf.

If you need help, call an <u>Information and Assistance (I&A) office</u>, or attend a <u>workshop for injured workers</u>. The local I&A phone numbers are attached to this guide. You can get information on a local workshop from the I&A office or on the Web at <u>www.dwc.ca.gov</u>.

The information contained in this guide is general in nature and is not intended as a substitute for legal advice. Changes in the law or the specific facts of your case may result in legal interpretations different than those present here.

When sending documents to a district office, please make sure they are not folded or stapled. Send them in a large manila envelope. Please see the EAMS OCR forms handbook for further instructions.

#### WORKERS' COMPENSATION APPEALS BOARD DISTRICT OFFICES

#### **ANAHEIM, 92806-2131**

1065 North Link, Suite 170 Information & Assistance Unit (714) 414-1801

BAKERSFIELD, 93301-1929 1800 30th Street, Suite 100 Information & Assistance Unit (661) 395-2514

#### FRESNO, 93721-2219

2550 Mariposa Street, Suite 4078 Information & Assistance Unit (559) 445-5355

#### LODI, 95240-6936

3021 Reynolds Ranch Parkway, Suite 130 Information & Assistance Unit (209) 948-7759

#### LONG BEACH, 90810-1870

1500 Hughes Way, Suite C203 Information & Assistance Unit (424) 450-2565

#### LOS ANGELES, 90013-1105

320 W 4th Street, 9th Floor Information & Assistance Unit (213) 576-7389

#### **MARINA DEL REY, 90292-6902**

4720 Lincoln Boulevard, 2nd and 3rd Floors Information & Assistance Unit (310) 482-3820

#### OAKLAND, 94612-1499

1515 Clay Street, 6th Floor Information & Assistance Unit (510) 622-2861

#### OXNARD, 93030-7912

1901 N Rice Avenue, Suite 100 Information & Assistance Unit (805) 485-3528

#### POMONA, 91768-1653

732 Corporate Center Drive Information & Assistance Unit (909) 623-8568

#### **REDDING, 96002-0940**

250 Hemsted Drive, 2nd Floor, Suite B Information & Assistance Unit (530) 225-2047

#### **RIVERSIDE, 92501-3337**

3737 Main Street, Suite 300 Information & Assistance Unit (951) 782-4347

#### **SACRAMENTO**, 95834-2962

160 Promenade Circle, Suite 300 Information & Assistance Unit (916) 928-3158

#### **SALINAS, 93906-2204**

1880 N Main Street, Suites 100 & 200 Information & Assistance Unit (831) 443-3058

SAN BERNARDINO, 92401-1411 464 W Fourth Street, Suite 239 Information & Assistance Unit (909) 383-4522

#### **SAN DIEGO, 92108-4424**

7575 Metropolitan Drive, Suite 202 Information & Assistance Unit (619) 767-2082

#### **SAN FRANCISCO, 94102-7014**

455 Golden Gate Avenue, 2nd Floor Information & Assistance Unit (415) 703-5020

## SAN JOSE, 95110-3718

224 Airport Parkway, Suite 600 Information & Assistance Unit (408) 277-1292

<u>SAN LUIS OBISPO, 93401-8736</u> 4740 Allene Way, Suite 100 Information & Assistance Unit (805) 596-4159

#### **SANTA ANA, 92707-7704**

2 MacArthur Place, Suite 600 Information & Assistance Unit (714) 942-7576

#### **SANTA BARBARA, 93101-7538**

130 E Ortega Street Information & Assistance Unit (805) 568-1390

#### **SANTA ROSA, 95404-4771**

50 "D" Street, Suite 420 Information & Assistance Unit (707) 576-2452

### **VAN NUYS, 91401-3370**

6150 Van Nuys Boulevard, Suite 105 Information & Assistance Unit (818) 901-5374

### STATE OF CALIFORNIA DWC DISTRICT OFFICE

#### **DOCUMENT COVER SHEET**



Is this a new case?	Yes	No C	companion Cas	es Exist	Walkthrough	Yes	No
More than 15 Compa	nion Cases						
Date:(MM/DD/YYYY)	)	Speci	fic Injury		SSN:		
Case Number 1		Cumu	ılative Injury	(Start Date: MM/DD/YY) (If Specific Injury, us		(End Date: MM, s the specific dat	
Body Part 1:			+	E	Body Part 3:		
Body Part 2:				В	Body Part 4:		
Other Body Parts:							
Please check unit to l	be filed on ( cl	heck only one	box )				
ADJ	DEU	SIF	UEF	SAU	IN	Т	RSU
Companion Cases							
		Speci	fic Injury				
Case Number 2				(Start Date: MM/DD/YYY (If Specific Injury, use		(End Date: MM the specific date	,
Case Number 2  Body Part 1:				(If Specific Injury, use			,
				(If Specific Injury, use	the start date as		,
Body Part 1:				(If Specific Injury, use	the start date as Body Part 3:		,

	Specific Injury		
Case Number 3	Cumulative Injury	(Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date)	(End Date: MM/DD/YYYY) te as the specific date of injury)
Body Part 1:		Body Part	3:
Body Part 2:		Body Part	4:
Other Body Parts:			
	Specific Injury		
Case Number 4	Cumulative Injury	(Start Date: MM/DD/YYYY)  (If Specific Injury, use the sta	(End Date: MM/DD/YYYY) rt date as the specific date of injury)
Body Part 1:	_	Body Part	: 3:
Body Part 2:		l Body Part	4:
Other Body Parts:			
	Specific Injury		
Case Number 5	Cumulative Injury	(Start Date: MM/DD/YYYY) (If Specific Injury, use the star	(End Date: MM/DD/YYYY) rt date as the specific date of injury)
Body Part 1:		Body Part	: 3:
Body Part 2:		Body Part	4:
Other Body Parts:			

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	Specific Injury		_
Case Number 6	Cumulative Injury	(Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date a	(End Date: MM/DD/YYYY) as the specific date of injury)
Body Part 1:		Body Part 3:	
Body Part 2:		Body Part 4:	
Other Body Parts:			
	Specific Injury		
Case Number 7	Cumulative Injury	(Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date	(End Date: MM/DD/YYYY) as the specific date of injury)
Body Part 1:	_	Body Part 3:	
Body Part 2:		Body Part 4:	
Other Body Parts:			
	Specific Injury		
Case Number 8	Cumulative Injury	(Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date as	(End Date: MM/DD/YYYY) s the specific date of injury)
Body Part 1:		Body Part 3:	
Body Part 2:		Body Part 4:	
Other Body Parts:			
+			

	Specific Injury		_
Case Number 9	Cumulative Injury	(Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date as	(End Date: MM/DD/YYYY) s the specific date of injury)
Body Part 1:		Body Part 3:	
Body Part 2:		Body Part 4:	
Other Body Parts:			
	0 (5 1)		
	Specific Injury		
Case Number 10	Cumulative Injury	(Start Date: MM/DD/YYYY) (If Specific Injury, use the start date as the	(End Date: MM/DD/YYYY) ne specific date of injury)
Body Part 1:		Body Part 3:	
Body Part 2:	+	– Body Part 4:	
Other Body Parts:			
	Specific Injury		
Case Number 11	Cumulative Injury	(Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date as	(End Date: MM/DD/YYYY) s the specific date of injury)
Body Part 1:		Body Part 3:	
Body Part 2:		Body Part 4:	
Other Body Parts:			

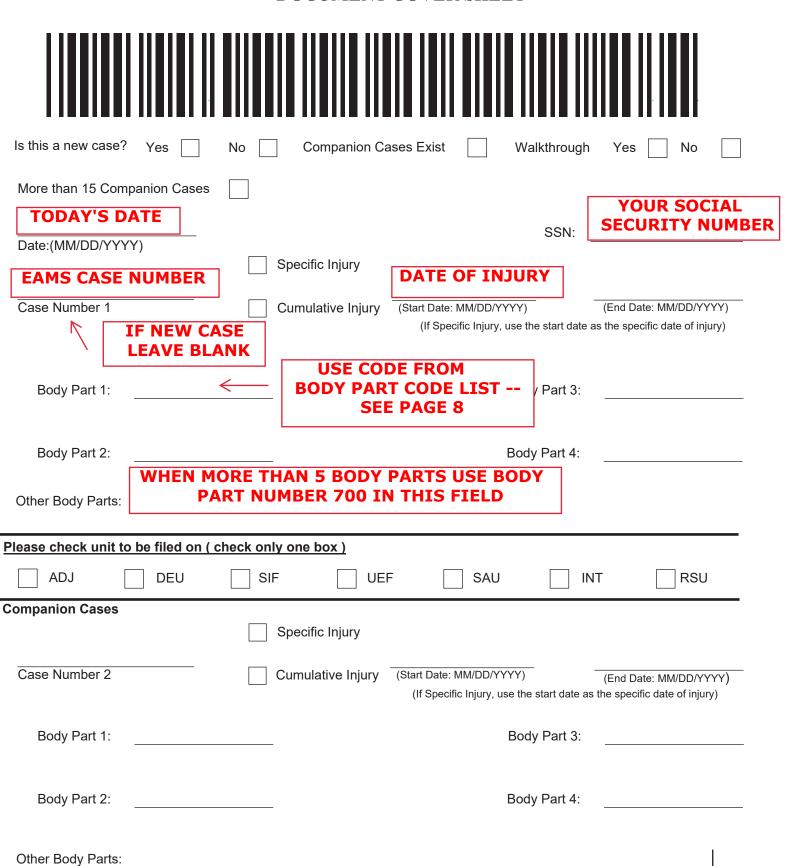
	Specific Injury	
Case Number 12	Cumulative Injury	(Start Date: MM/DD/YYYY) (End Date: MM/DD/YYYY) (If Specific Injury, use the start date as the specific date of injury)
Body Part 1:		Body Part 3:
Body Part 2:		Body Part 4:
Other Body Parts:		
	Specific Injury	
Case Number 13	Cumulative Injury	(Start Date: MM/DD/YYYY) (End Date: MM/DD/YYYY) (If Specific Injury, use the start date as the specific date of injury)
Body Part 1:		Body Part 3:
Body Part 2:		Body Part 4:
Other Body Parts:		
	Specific Injury	
Case Number 14	Cumulative Injury	(Start Date: MM/DD/YYYY) (End Date: MM/DD/YYYY) (If Specific Injury, use the start date as the specific date of injury)
Body Part 1:		Body Part 3:
Body Part 2:		Body Part 4:
Other Body Parts:		
+		

	Specific Injury		_
	Cumulative Injury	(Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date	(End Date: MM/DD/YYYY) e as the specific date of injury)
		Body Part 3:	
		Body Part 4:	
+			
	Specific Injury		
	Cumulative Injury	(Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date	(End Date: MM/DD/YYYY) e as the specific date of injury)
		Body Part 3	:
		Body Part 4:	:
		Cumulative Injury  Specific Injury	Cumulative Injury (Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date  Body Part 3:  Body Part 4:  Specific Injury  Cumulative Injury (Start Date: MM/DD/YYYY)  (If Specific Injury, use the start date  Body Part 3

### STATE OF CALIFORNIA DWC DISTRICT OFFICE



#### **DOCUMENT COVER SHEET**



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## District office codes for place of venue

Legend Abbreviation	Office
AHM	Anaheim
ANA	Santa Ana
BAK	Bakersfield
FRE	Fresno
LAO	Los Angeles
LBO	Long Beach
LOD	Lodi
MDR	Marina del Rey
OAK	Oakland
OXN	Oxnard
POM	Pomona
RDG	Redding
RIV	Riverside
SAC	Sacramento
SAL	Salinas
SBA	Santa Barbara
SBR	San Bernardino
SDO	San Diego
SFO	San Francisco
SJO	San Jose
SLO	San Luis Obispo
SRO	Santa Rosa
VNO	Van Nuys

Use this document to complete forms, but do not file this document with your forms.

## **BODY PART CODES LIST**

Code Number	Description
100	Head - not specified
110	Brain
120	Ear - not specified
121	Ear - external
124	Ear - internal including hearing
130	Eye - including optic nerves and vision
140	Face - not specified
141	Jaw - including chin and mandible
144	Mouth - including lips, tongue, throat and taste
145	Teeth
146	Nose - including nasal passages, sinus and smell
148	Face - multiple parts any combination of above parts
149	Face - forehead, cheeks, eyelids
150	Scalp
160	Skull
198	Head - multiple injury any combination of above parts
200	Neck
300	Upper extremities - not specified
310	Arm - above wrist not specified
311	Arm - upper arm humerus
313	Arm - elbow head of radius
315	Arm - forearm radius and ulna
318	Arm - multiple parts any combination of above parts
319	Arm - not specified
320	Wrist
330	Hand - not wrist or fingers
340	Fingers
398	Upper extremities - multiple parts any combination of above parts
400	Trunk - not specified
410	Abdomen - including internal organs and groin
411	Hernia
420	Back - including back muscles, spine and spinal cord
430	Chest - including ribs, breast bone and internal organs of the chest
440	Hips - including pelvis, pelvic organs, tailbone, coccyx and buttocks
450	Shoulders - scapula and clavicle
498	Trunk - use for side; multiple parts any combination of above parts

Code Number	Description
500	Lower extremities - not specified
510	Legs - above ankles, not specified
511	Thigh femur
513	Knee Patella
515	Lower leg tibia and fibula
518	Leg - multiple parts any combination of above parts
519	Leg - not specified
520	Ankle malleolus
530	Foot not ankle or toe
540	Toes
598	Lower extremities - multiple parts any combination of above parts
700	Multiple parts more than five major parts use only in fifth position of listing of body parts
800	Body system - not specific
801	Circulatory system - heart - other than heart attack, blood, arteries, veins, etc.
802	Circulatory system - Heart attack
810	Digestive system - stomach
820	Excretory system - kidneys, bladder, intestines, etc.
830	Musculo-skeletal system - bones, joints, tendons, muscles, etc.
840	Nervous system - not specified
841	Nervous system - Stress
842	Nervous system - Psychiatric/psych
850	Respiratory system - lungs, trachea, etc.
860	Skin dermatitis, etc.
870	Reproductive systems
880	Other body systems
900	COVID-19
999	Unclassified - insufficient information to identify body parts



Product Delivery Unit		
Document Type		
Document Title		
Document Date	MM/DD/YYYY	
Author _		
	Office Use Only	
Received Date	MM/DD/YYYY	





Pı	roduct'	Delivery Unit	ADJ	
Do	Document Type		LEGAL DOCS	
Document T	Γitle	APPEAL OF DIF	RECTOR'S RETURN TO WORK SUPPLEMENT DECISION	
Do	Document Date		DATE YOU FILLED OUT THE FORM  MM/DD/YYYY	
Au	uthor		YOUR NAME	
			Office Use Only	
Re	eceived	d Date	MM/DD/YYYY	

NAME: STREET: CITY, STATE, ZIP CODE: TELEPHONE #:

# STATE OF CALIFORNIA WORKERS' COMPENSATION APPEALS BOARD

		ADJ #:
	Applicant,	RTWSP Application #:
	vs. Defendants.	PETITION APPEALING DENIAL OF RETURN-TO-WORK SUPPLEMENT
A dec	ision was filed in the above-entitled case o	n
	ecision and hereby petitions for reconsider not applicable):	is aggrieved by ations upon the following grounds (strike out
1.	By the order, decision or award, the Boar	ed acted without or in excess of its powers.
2.	The order, decision, or award was procur	ed by fraud.
3.	The evidence does not justify the finding	s of fact.
4.	Petitioner has discovered new evidence in diligence have discovered and produced a	naterial to him with he could not with reasonable at the hearing.
5.	The findings of fact do not support the or	der, decision or award.
	port of the above, petitioner gives the follo	owing details, including a statement of facts upon wapplicable thereto:
	Your Signature	Date

NAME:
STREET:
CITY, STATE, ZIP CODE:
TELEPHONE #:

Your Name

Your Address

Your Address

Your Telephone Number



# STATE OF CALIFORNIA WORKERS' COMPENSATION APPEALS BOARD

	<u> </u>
Your Name	ADJ #: <b>EAMS case number</b> RTWSP Application #:
Applicant,	See Notice of Benefit Ineligibility
VS.	letter from RTWSP Unit PETITION APPEALING
Your Employer and	DENIAL OF
Insurance Company	RETURN-TO-WORK
Defendants.	SUPPLEMENT
A decision was filed in the above-entitled case of	Date the RTWSP Unit decision was issued
The Your Name	is aggrieved by
said decision and hereby petitions for reconsider	
items not applicable):	autions upon the following grounds (strike out
,	
1. By the order, decision or award, the Boa	rd acted without or in excess of its powers.
2. The order, decision, or award was procur	red by fraud.
3. The evidence does not justify the finding	gs of fact.
4. Petitioner has discovered new evidence in diligence have discovered and produced	material to him with he could not with reasonable at the hearing.
5. The findings of fact do not support the o	rder, decision or award.
In support of the above, petitioner gives the followhich petitioner relies and a discussion of the la	owing details, including a statement of facts upon w applicable thereto:
Explain in your own words why you feel you a	re entitled to these benefits.
W G	
Your Signature	Today's Date
Your Signature	Date

## **VERIFICATION**

STATE OF CALIFORN	IA	
County of		
I, the undersigned, say that	t I am	, a party to this
action. I have read the fore	going Petition Appealing Denial o	of Return-to Work Supplement
and know the contents the	reof, and that the same is true of my	own knowledge, except as to the
matters which are therein s	stated upon my information or belie	f, and as to those matters that I
believe to be true.		
I declare under pen	alty of perjury that the foregoing is	true and correct.
Executed on	, at	, California.
	Petitione	<u> </u>

Sample

## **VERIFICATION**

STATE OF C	ALIFORNIA				
County of	your county				
, <u> </u>					
I, the undersign	ned, say that I am	you	ur name	, a	party to this
action. I have r	ead the foregoing Petition	on Appea	ling Denial of Re	eturn-to Wor	k Supplement
and know the c	contents thereof, and that	the same	is true of my own	ı knowledge,	except as to the
matters which	are therein stated upon m	ny informa	ation or belief, an	d as to those 1	natters that I
believe to be tr	ue.				
I declar	re under penalty of perjui	ry that the	foregoing is true	and correct.	
Executed on _	date mailed	_, at	your city		_, California.
			your sig	nature	
			Petitioner		



Product Delivery Unit		
Document Type		
Document Title		
Document Date	MM/DD/YYYY	
Author _		
	Office Use Only	
Received Date	MM/DD/YYYY	





Product Delivery Unit	ADJ
Document Type	MISC
Document Title CORRESPONDE	
Document Date	DATE YOU FILLED OUT THE FORM  MM/DD/YYYY
Author	YOUR NAME
	Office Use Only
Received Date	MM/DD/YYYY

#### STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS Office of the Director Return-to-Work Supplement Program

Mailing Address: RTW Supplement Program 1515 Clay Street, 17th Floor Oakland, CA 94612 510-286-0787



November 21, 2017

APPLICANT'S FN & LN APPLICANT'S STREET ADDDRESS CITY, STATE, ZIP CODE

#### NOTICE OF BENEFIT INELIGIBILITY

RE: RTWSP Application No.: RTW10XXXXX

RTWSP Application DOI: 08/04/2014

Dear APPLICANT'S FN & LN

Thank you for your interest in the Return-to-Work Supplement program. Your application was carefully reviewed and was determined ineligible for the Return-to-Work Supplement.

A \$5000.00 RTWSP check was previously issued to you. Per § 17302(b) of the California Code of Regulations, an individual who has received a Return-to-Work Supplement may not receive a second or subsequent Return-to-Work Supplement, except where the individual receives a Voucher for an injury which occurs subsequent to receipt of every previous Return-to-Work Supplement.

If you disagree with this notice of ineligibility, you may file an appeal at the DWC district office within 20 days of receipt of this ineligibility determination. The appeal must include your full name, ADJ number of the case in which the SJDB voucher was provided, and a clear and concise statement of the facts constituting the basis for your appeal.

A copy of the appeal must be served on the Return-to-Work Supplement Program as follows:

Return-to-Work Supplement Program Department of Industrial Relations ATTN: Appeals 1515 Clay St, 17<sup>th</sup> floor Oakland, CA 94612

Please contact 510-286-0787 or RTWSP@dir.ca.gov if you have any questions regarding this matter.

Very truly yours,

RTW Reviewer Return-to-Work Supplement Program (510) 286-0787 Email: RTWSP@dir.ca.gov



Product Delivery Unit		
Document Type		
Document Title		
Document Date	MM/DD/YYYY	
Author _		
	Office Use Only	
Received Date	MM/DD/YYYY	





Product Delivery Unit	ADJ	
Document Type	LEGAL DOCS	
Document Title PROOF OF SEF	RVICE	
Document Date	DATE YOU FILLED OUT THE FORM  MM/DD/YYYY	
Author	YOUR NAME	
	Office Use Only	
Received Date	MM/DD/YYYY	

### Proof of Service by Mail

I declare that: I am (resident of / employed in) the county of \_\_\_\_\_\_, California. I am over the age of eighteen years, my (business / residence) address is: On \_\_\_\_\_\_, I served the attached \_\_\_\_\_ on the parties listed below in said case, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully paid, in the United State mail at addressed as follows: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on (date) \_\_\_\_\_, at \_\_\_\_\_, California. Type or print name

Signature \_\_\_\_



## Proof of Service by Mail

I declare that:
I am (resident of / employed in) the county of, California.
I am over the age of eighteen years, my (business / residence) address is:
PUT YOUR HOME ADDRESS HERE
On TODAY'S DATE, I served the attached RTWSP UNIT case, by placing a true copy thereof enclosed in
a sealed envelope with postage thereon fully paid, in the United State mail at  addressed as follows: CITY WHERE YOU MAILED THE
1) RETURN-TO-WORK SUPPLEMENT PROGRAM (RTWSP) DEPARTMENT OF INDUSTRIAL RELATIONS ATTN: APPEALS 1515 CLAY ST., 17TH FLOOR OAKLAND, CA 94612-1499 2) WORKERS' COMPENSATION APPEALS BOARD: ADDRESS
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on (date) TODAY'S DATE, at CITY, California.  Type or print name PRINT YOUR NAME
Signature SIGN YOUR NAME