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## SPECIAL FUNDS SUBSEQUENT INJURY FUND FAQ'S

### What are the closure dates for the Subsequent Injury Fund?

Under C.R.S. § 8-46-104 the SIF was closed to claimants whose injuries occurred on or after 7/1/93 and for Occupational Diseases, the closure date is April 1, 1994.

### Where can one find SIF in the Colorado Worker's Compensation Rules of Procedure, (7 CCR 1101-3)?

Rule 14-4 governs request for benefits from the SIF. SIF is joined after notice is received from the carrier, claimant's counsel, or pro se claimant. If joinder is requested, the requesting party must follow Rule 14-4. *Reference should always be made to the official set of rules published in the Colorado Code of Regulations (7 CCR 1101-3) however these rules are also found on Colorado Department of Labor & Employment web page found at <http://workerscomp.cdle.state.co.us/> under "Rules of Procedure"*

### Where can one get a copy of the "Request for Offset of Liability to SIF" form?

Visit Bradford Publishing, a forms store or

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the Colorado Department of Labor & Employment web page at : <http://workerscomp.cdle.state.co.us/> under "Official Division Forms" for a copy of this form.

### How is SIF joined?

SIF is "joined" by an Administrative Law Judge's Order after the "Request for Offset of Liability to Subsequent Injury Fund" is received from the carrier, claimant's counsel or pro se claimant. If joinder of the SIF is requested, the requesting party must follow Rule 14-4.

### What is apportionment?

Apportionment is the percentage of liability that can be distributed between two or more compensable injuries. *Example: Claimant has had two compensable injuries and is now seeking PTD benefits. Each injury contributed equally to the claimant's PT status. The apportionment between the two is 50% each.* \* The SIF statute, C.R.S. § 8-46-101 does not use the term apportionment but speaks to the portion of liability.

### What happens to multiple injury/ occupational disease claims now?

In 1999 C.R.S. § 8-42-104(2) was amended to resemble the "full responsibility rule". Under the full responsibility rule the carrier for the last employer takes full responsibility and is assigned liability for the effect of all industrial injuries which an employee has suffered. There have been a

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number of cases that have been litigated since the SIF closed. Much of the litigation attempts to describe the function and purpose of SIF as claimants and carriers deal with closure.

### Does SIF pay medical benefits?

Under C.R.S. § 8-46-101 SIF does not pay medical benefits if the claimant's injury is a trauma or unlisted occupational disease. However, if the claimant's injury is a listed occupational disease and the respondent/ carrier has paid their required \$10,000 liability, SIF is liable for medical benefits.

### Do all claims have to go through a hearing process with an order issued, to be admitted to SIF?

No – If it is clear that the SIF has a liability, and by agreement with the parties, an admission is filed for the amount of the SIF apportionment. Only those claims where there is a question of SIF's liability will go through the hearing process.

### How does a claimant provide SIF with a change of address?

All changes of address must be submitted to SIF in writing.



## Does SIF pay widow's benefits?

Yes if the cause of death is a proximate result of the decedent's occupational disease. The widow is paid per the Colorado Workers' Compensation Act at 2/3 of the decedent's Average Weekly Wage (AWW). If the decedent's AWW is below the minimum listed on the Director's current order, the widow is paid at the minimum weekly benefit.

## The most common question is WHERE'S MY CHECK??????

SIF pays all admitted claimants on a bi-weekly basis. A schedule of payment due dates is periodically provided to all admitted claimants. Because the SIF pays benefits to claimants living across the United States, checks are put into the U S Mail on the Tuesday prior to the Saturday due date. During periods when a legal holiday occurs, the checks are into the U S Mail the Wednesday prior to the due date.

The SIF can also arrange for Electronic Funds Transfer (EFT) of benefits to the claimant's financial institution.

### **Division of Workers' Compensation**

## **Special Funds Subsequent Injury Fund**

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Department of Labor and Employment

## **DIVISION OF WORKERS' COMPENSATION**



## **Special Funds Subsequent Injury Fund**