



June 2015 • A Monthly Publication of the Atlanta Claims Association

# 93rd Annual Claims Convention



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# From the President

Dear Fellow ACA Members,

I am writing to you just one month after taking office as President of ACA. It has been a month full of celebration and excitement as well as sorrow and sadness.



As many of you already know, just as we were distributing our first issue of the ClaimsScene for the current term on May 4, 2015, we lost our Lifetime Member, Board Director, and friend to so very many, Evelyn Brown, when she succumbed to complications that set in following heart surgery. Evelyn had been a true pillar of support to our organization, as well as to sister organizations Southern Loss Association and Insurance Professionals of Atlanta. Evelyn was truly committed to the claims community and the insurance industry as a whole. A proper tribute to her dedication and hard work is currently being considered by the Board and will be announced at a later date. As written in the poem included in this issue, Evelyn would want us to carry on and celebrate life without too much time spent for grief and sorrow. So it has been with her strength that we have carried on this past month.

We had a Meet & Greet Luncheon on May 7th at Hyatt/Villa Christina which was an opportunity to introduce our incoming ACA Officers, Directors, and Committee Chairs. This was a networking opportunity with a chance to have our Officers reach out to our members and attendees and get to know one another a little better. Everyone that attended had a chance to speak and tell a little bit about themselves, their job, and their interests in the association and the industry.

The Golf Outing at Rivermont Country Club was held on Tuesday, May 12. It was well attended and enjoyed by all. A special thanks to Constance Woods and Andrew Fisher who Co-Chaired this year and to their entire committee for all the hard work and dedication that went into putting on such a great event. The social, fried chicken dinner, and prizes that followed were awesome. Watch for additional information to follow in our next ClaimsScene about the event, our winners, our sponsors, and also for news on next year's event.

The Golf Outing was followed by our ACA Executive Planning Retreat which was held this year at the Evergreen Resort in Stone Mountain Park on May 14 & 15. This event has traditionally been held in Milledgeville and mostly attended by the current and past Board Officers and Directors. Making a decision for the move to Stone Mountain was a difficult one. There is rich history in the Association of the Annual Milledgeville Outing; however, many of our current Board found a need to begin a new tradition a little closer to home in hopes to have opportunity for more of our Officers and members to be able to attend. While, in the past this has been primarily a social event, this year a large portion of time was spent in reflection and planning for the upcoming year and in discussion of the future and direction of Atlanta Claims Association.

Another break in our tradition is that it has been decided at this time that we are discontinuing our monthly luncheons. With today's demanding work schedules in the industry and so many of us tele-commuting it has been difficult for members to attend mid-day events. In their place, we have some great events that are currently being planned and will be announced in further issues of ClaimsScene as well as being posted on our website. One of our main focuses will be in getting the information and dates to our members well in advance so that you can "Save the Date" in order to attend these fun-filled and educational events.

Hard to think that Spring is here and Summer is fast approaching. As you may know the ACA takes a break from member meetings in July and August. The Board will be hard at work making arrangements and plans for upcoming events. Watch for our announcements on the web [www.atlantaclaims.com](http://www.atlantaclaims.com) or our emails to follow. We hope that you will be able to get out there and enjoy picnics, vacations, splashing around in rivers, lakes, and swimming pools and have a safe and happy season of fun in the sun. See you in September, if not sooner.

Best Regards,  
Linda L. Mihyar, AIC, AIS, AINS  
President  
Atlanta Claims Association

*We will not  
have our regular  
monthly luncheon  
in June*

## 2015–2016 Officers

**President – Linda Mihyar**  
president15@atlantaclaims.com / 678-793-5856  
**1st Vice President – Pamela Glick**  
pamela.glick@selective.com / 770-394-3718  
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TKater@carlwarren.com / 678-731-9091  
**Secretary – Ann Wright**  
ann.wright@countryfinancial.com / 770-403-6822  
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mobley.pete@yahoo.com  
**Assistant Secretary – Jaclyn Chapman**  
jaclyn.chapman@choosebroadspire.com  
404-300-0950  
**Assistant Treasurer – Annette Ward**  
annette.ward@watkins.com / 404-872-3841 x 6020

## A ClaimsScene Editorial Staff

**CH & Editor – Tammie Kater**  
TKater@carlwarren.com / 678-731-9091  
**Advertising – Doug White**  
dwhitewh@aol.com / 770-330-0046

ACA membership, meetings, information,  
address changes, etc.— mail to:  
P.O. Box 724627 • Atlanta, GA 31139  
Articles, letters, photos, etc.— mail to:  
Linda Mihyar  
678-793-5856  
president15@atlantaclaims.com

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## Celebrating the Life of



### Evelyn Brown

July 17, 1941 to May 04, 2015

### I'm Free

Don't grieve for me, for now I'm free  
I'm following the path God has laid you see.  
I took His hand when I heard him call  
I turned my back and left it all.

I could not stay another day  
To laugh, to love, to work, to play.  
Tasks left undone must stay that way  
I found that peace at the close of day.

If my parting has left a void  
Then fill it with remembered joy.  
A friendship shared, a laugh, a kiss.  
Oh yes, those things I too will miss.

Be not burdened with time of sorrow  
I wish you the sunshine of tomorrow.  
My life's been full, I savored much  
Good friends, good times, a loved one's touch.

Perhaps my time seemed all too brief  
Don't lengthen it now with undue grief.  
Lift up your hearts and peace to thee  
God wanted me now; he set me free.

Unknown Author

# Atlanta Claims Association Mission Statement:

To strengthen the professional life of those involved in the claims industry by providing members with education and network opportunities while promoting a positive public image of the claims industry.

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## ACA Welcomes its New Members!

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**Joseph Barcus** – Applied Technical Services, Inc.

# 93rd Annual Claims Convention

## “The Braves are Moving to Cobb, and So Are We! Bravely Moving Forward With the ACA”

Our 93rd Annual Claims Convention is now over and it was a great success! The change in venue marked a new beginning for the ACA, moving from the Gwinnett Center to the Cobb Galleria. The feedback on the new locale was positive and well received and the turnout was favorable. We hope everyone was able to attend all the festivities and enjoyed the networking and hospitality events throughout the Convention.

The Convention officially kicked-off on Wednesday, April 15, 2015, with the Officer's Installation and Awards Luncheon. Jim Hiers, following tradition, installed our new incoming President, Linda Mihyar, as well as all our other Officers for the 2015-2016 term. Outgoing President, Kowalski Brown, gave some very warm parting remarks, as he passed the gavel to Ms. Mihyar, who then addressed the audience with a welcoming appreciation for those who have influenced her career and given her the tools and opportunities to be successful. We congratulate the new Board of Directors and Officers and wish them well during the upcoming term as we all continue to work toward to success and furtherance of the Atlanta Claims Association.

Following the installation, The Atlanta Claims Association awarded three scholarships to several very deserving students studying in the fields of Insurance and Risk Management. The recipients of the scholarships were: Emily Lauterbach (UGA), Truman Phan (GSU), and Lennis George (Kids's Chance). All three students were very appreciative of the awards and graciously thanked the ACA. We know the future is bright for Emily, Truman, and Lennis and we are all excited to where their careers take them!

Another highlight from the Installation Luncheon was the awarding of the Claims Person of the Year trophy. We had some incredible nominees this year: Gizelle Grable, with Utica National; Cindy Gvist, with Tenco; Monca Jobin, with Georgia Municipal Association; Brent Perich, with York Risk Services; and Valerie Wynn, with Selective Insurance Company. With such amazingly talented individuals nominated, it was certainly a very difficult decision for the committee. In the end, though, the award went to Valerie Wynn who was delighted and very appreciative for the honor. Thank you to all the nominees for everything you continue to do to impact and shape the claims industry in Georgia and beyond, and many congratulations to Ms. Wynn for being voted as the ACA's Claims Person of the Year!

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In the evening on Wednesday, April 15, 2015, we held our first annual Convention Kick-Off Party. In previous years, this event has traditionally been an appreciation reception strictly for our exhibitors. This year, in addition to our exhibitors, we opened the event to members of the ACA, sponsors of the various Convention events, as well as other attendees that might not have been able to make the Convention the next day. With the layout of the exhibit hall designed differently this year, including a centralized area with the focus on bringing people toward the middle (where tables, benches, and lounge areas were found), the Kick-Off Party was a great success and provided for a number of networking opportunities for those who attended.

On Thursday, April 16, 2015, our Educational Series was held during the day. This year, we opted for a different format as has been done in years previous. Rather than conducting a mock trial, we held several panel discussions throughout the day with speakers in various fields, including: attorneys, experts, and doctors. The seminar was well attended, provided many hours of CE credits, and was in summation: a home run! Many thanks to all who presented and attended the event. Stay tuned for details on our Educational session during the Convention in 2016. We have some great ideas in store for the event and are already in active planning mode!

While making the decision to move the Convention to a new venue was not a choice easily made, we believe the attendance and positive feedback from all attendees is evidence that the move was a good decision. Many thanks go out to the staff at the Cobb Galleria for making the event so successful and smooth. We would also like to thank Freeman for their continued partnership in designing, setting up, and taking down the exhibit hall.

Finally, we would like to take this opportunity to thank each and every one of our exhibitors, sponsors, and hospitality suite hosts. Our Convention wouldn't be nearly as successful as it is without your participation and contribution! A complete list of all our amazing exhibitors, sponsors, and hosts is listed below. Please continue to check the website, the Claimscene, and our social media outlets frequently for ongoing information about the 2016 Convention in April of next year!

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### **GENERAL CONVENTION EVENTS:**

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## **Stay Tuned For These Upcoming Events**

Margarita Social, Bowling Night, Award Recognition Reception and the Christmas Party. Additional details will be provided in the next edition.



# So You Think You Have a Statute of Limitations Defense, But On Second Glance, Do You?



By **Marc E. Sirotkin**

When an injured worker does not timely file a workers' compensation claim, the statute of limitations defense could bar the claim. The statute of limitations defense is codified in the Act at O.C.G.A. § 34-9-82(a), which states:

The right to compensation shall be barred unless a claim therefor is filed within one year after injury, except that if payment of weekly benefits has been made or remedial treatment has been furnished by the employer on account of the injury the claim may be filed within one year after the date of the last remedial treatment furnished by the employer or within two years after the date of the last payment of weekly benefits.

This means an injured worker has one year to file a claim for workers' compensation benefits with the State Board, though this period of limitations can be extended until two years from the last date the employer paid income benefits (including salary-in-lieu of comp) or one year from the last date the employer furnished remedial medical treatment. *Harper v. L & M Granite Co., Inc.*, 197 Ga. App. 157, 397 S.E.2d 739 (1990).

There is an exception to this general rule if the injured worker can prove the employer had an invalid panel of physicians at the time of the accident. In *Georgia Institute of Technology v. Gore*, 167 Ga. App. 359, 306 S.E.2d 338 (1983), the Court of Appeals determined unauthorized medical treatment received by an employee, when the employer did not have a valid panel in place at the time of the accident, constitutes "remedial medical treatment" within the meaning of O.C.G.A. § 34-9-82(a). The Court of Appeals reached this conclusion by reading O.C.G.A. § 34-9-82(a) and O.C.G.A. § 34-9-201(e) (the statute governing panels) together. As a result, in *Gore*, the statute of limitations for filing the claim was tolled for one year from the last date the claimant furnished his own medical treatment, as Georgia Tech did not have a valid panel.<sup>1</sup> The *Gore* decision adds more incentive for employers to assure their panels remain valid, as to not only avoid losing control of medical, but to also not enable the claimant to toll the statute of limitations for his claim. "Tolling" means halting the running of the period of time set forth by the statute of limitations.

In the end, an employer can avoid opening the door for the claimant to toll the statute of limitations by making certain a valid panel is properly posted and their employees understand the location, purpose and function of the panel. Furthermore, the employer must allow an injured worker to review the panel following a reported accident and select a panel provider. We would recommend the employer have the injured worker circle, initial and date his selection on a copy of the panel to show he was given the opportunity to choose a panel provider. We would also recommend checking the panel regularly to ensure the listed providers' contact information is correct and that they still accept workers' compensation patients, as these are the most common issues raised by a claimant to attack the validity of an employer's panel.

Let's be proactive and not give the claimants, or their attorneys, a way to build up the value of their claims. These simple steps for maintaining a valid panel will help an employer to have the upper hand in prospective workers' compensation claims.

For more information on this topic, contact Marc Sirotkin at [marc.sirotkin@swiftcurrie.com](mailto:marc.sirotkin@swiftcurrie.com) or 404.888.6129.

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1. However, the period of limitations is not tolled forever by an invalid panel of physicians. *Poissonnier v. Better Business Bureau of West Georgia-East Alabama, Inc.*, 180 Ga. App. 588, 349 S.E.2d 813 (1986).

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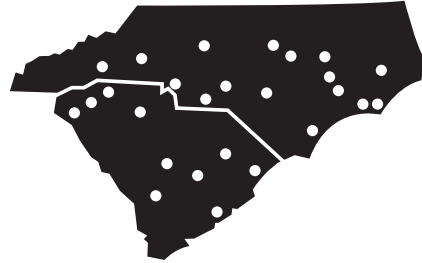
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