



## C&W CLAIMS SOLUTIONS

"SECURING DATA OFF THE WEB"

PI #188053

In California, Governor Newsom signed Executive Order N-62-20, which provides that under certain circumstances it is presumed that workers who contract a COVID-19-related illness between March 19 and July 5, 2020 have done so at work and are thus eligible for workers' compensation benefits.

To qualify for the presumption, all of the following conditions must be met:

- The subject must test positive for or be diagnosed with COVID-19 within 14 days after a day they worked at your employer's jobsite at its direction.
- The day the subject worked at your employer's jobsite was on or after March 19, 2020.
- The employer's jobsite is not a home or residence
- If they are diagnosed with COVID-19, the diagnosis was done by a medical doctor and confirmed by a positive test for COVID-19 within 30 days of the date of the diagnosis.

The Order provides that the presumption of a work-related illness ***"is disputable and may be controverted by other evidence."***

This means that even when an employee is presumed to have become ill from COVID-19 at work, an employer may dispute that conclusion. In such a case, however, **the employer bears the burden of proving that the injury or illness did not occur at work.**

C&W Claims Solutions has identified specific questions that need to be asked at the on-set of a new COVID-19 claim (AOE/COE) that can be supported with physical evidence such as Background / Social Media Report to help dispute these types of claims.

### Questions for the infected claimant:

1. What level of quarantine have they followed outside of work prior to being diagnosed?
2. Are there other possible exposure locations for this employee, i.e., a school, an event that was not yet cancelled, stores, restaurants, gyms, visiting someone in a hospital recently?
3. What other family members are in the household and have they had any known exposures? (Names, Symptoms, Treatment)
4. Have they had respiratory problems in the past? Prior pneumonia?
5. Pre-existing conditions like asthma or allergies? Where did they treat? (Name/place/address/phone number)
6. Have they ever smoked cigarettes, vaping, drink, used recreational drugs?

7. How often do/did they visit relatives who don't live with them during the outbreak? Were they sick? When? How? Symptoms?
8. If positive test result: when, where, who? Get the address of the location, and/or phone number and the proper name.
9. How many children do they have? Did they bring home anything? When? What school did/do they go to? When did the school shut down, or when did they stop going?
10. What were the last few restaurants they went to? When? Where?
11. Ask about safety protocol at work? Were other employees adhering to them?
12. Did management follow up and enforce protocols?

**Questions for your insured employer:**

1. What practices were/are in place and/or did the insured implement them in light of the pandemic?
2. What steps were/are in place to protect the employees? To prevent exposure?
3. How well were these measures being followed?
4. Any documentation to support safety measures were being kept?
5. Use of Personal Protective Equipment (PPE), access to PPE, what PPE was available/used?
6. Dates first began COVID-19 protection on site protocols as opposed to use of other everyday PPE?
7. Are you aware of any non-industrial cases of COVID-19 with other employees? (Names, Contact information)

C&W Claims Solutions is a nationally recognized background investigations firm specializing in the early detection of anomalies and triggers to help verify data, mitigate claims and preserve evidence.

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