

## **WORKERS' COMPENSATION INDUSTRIAL COUNCIL**

**NOVEMBER 20, 2008**

Minutes of the meeting of the Workers' Compensation Industrial Council held on Thursday, November 20, 2008, at 3:00 p.m., Offices of the West Virginia Insurance Commissioner, 1124 Smith Street, Room 400, Charleston, West Virginia.

### Industrial Council Members Present:

Bill Dean, Chairman  
Delegate Nancy Guthrie  
Kent Hartsog  
Dan Marshall  
Walter Pellish (via telephone)  
Delegate Carrie Webster (via telephone)

### **1. Call to Order**

Chairman Bill Dean called the meeting to order at 3:00 p.m.

### **2. Approval of Minutes**

Chairman Bill Dean: Has everyone had a chance to look at the previous month's minutes? Is there a motion to approve?

Dan Marshall made the motion to approve the minutes from the October 16, 2008, meeting. The motion was seconded by Kent Hartsog and passed unanimously.

### **3. Office of Judges Report – Timothy G. Leach, Chief Administrative Law Judge**

Judge Timothy Leach: Good afternoon members of the Council and members of the public. You should have a copy of my report summarizing our annual statistics through October. The number of protests received was 661 which combine for the first 10 months to prorate to 7,950 protests for the calendar year. There is a slight bump in the self-insured percentage for this month. On page three (C.), we have the Pending Caseload. Pending cases before the Office of Judges at the end of October was 4,660 cases. It represents a decline of almost 33% from the year before – 6,853 pending cases.

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On page four, we are happy to report that for the second time in the last three months we had 100% compliance on a 90-day award which brought our year-to-date up to the same figure as last year.

I want to try something a little different. I have five Power Point slides to show you on the screen behind me. This represents snapshots of some of our I-AIMS screens that we wanted to demonstrate. You have in your printout some of these slides and I thought it would blow up a little better if I had them on a big screen.

AIMS is the Office of Judges adjudication tracking system that tracks any case number we want to look up. We can tell what is going on and why in the case, and since November 1 made it available to outside users on the Internet. When they get into this the starting point is our Office of Judges web page. We did put our new brochure into a PDF format. It is on the web page now. At the bottom of our home page is an I-AIMS access box. If you click on the "I-AIMS" button there it will take you to a "sign in" screen where you will be assigned by us a "user name" and a "password" which you can then change for security purposes in your own offices. Your office administrator will be able to delegate this to as many people in the office as they want to. We have an administrator for each law firm or office that is using this. We have limited users with their own sign-ins and passwords assigned by the user. If you fill that in and press "click here," then you will go to the I-AIMS "search screen." When you click on that it takes you to the "case search screen." We have four methods for searching for a case in our system. The preferred method is the OOJ Case ID number. This is a jurisdictional claim number which is assigned by a subcontractor of the Insurance Commission. For every claim you can search it by that number. You can search it by the claimant's Social Security number. If you do this and the claimant has more than one case pending, you will get a list of all the cases pending before us. Or you can use the "Carrier Reference Number" which is a number assigned by the individual carrier to the claim. So we have all four of these numbers tracked in our system and you can search for your claim with any of those numbers. This is a live claim. I've blacked out the person/employer names. If you type in our OOJ Case Number, you will get this screen – this would show the parties to the case. Now if there are multiple employers or if the OIC is involved as a party, there will be more lines here. But this is a two-party claim involving an employer and a claimant. Here we have the attorney's name. I didn't feel like it was necessary to black them out. Here is the "JCN Number;" here's the "Case ID Number." This block over here is the address information. If you scroll your mouse over that you get a blow up of the mailing addresses of each of the attorneys or parties. You can print this out, and this is helpful in knowing who you need to send copies to.

Once you click on either of the "select" buttons it will take you to the next screen which lists all of the protests that have ever historically been in this claim before the Office of Judges. There may be as many as 20 to 25 or 30 protests. In this claim we had actually two active protests and one attempted protest that wasn't acknowledged. If you check on either one or both of the protests that you want to look at, this screen will tell you if the protest is open or closed. It so happens all of these are closed. This tells you the protest type; this is a claimant's protest to a closing of the claim; the claims administrator order date; the party who protested; it shows you the timeframe; when it ends to the conclusion of evidence. This is your basic screen that you need to know for each protest. You can check mark any of these. And for example purposes I checked both of them. Then you click on your "advance" button. You will go to a screen that shows you many different tabs of information that is available on AIMS. This one happens to be the "evidence and relevant documents detail screen." Over here you see that all the documents are divided by the two protest numbers. We had two protests. If you're only looking for protest number one and you only check one, only the first three lines will come up on this screen. This is important because sometimes evidence gets filed in one protest and inadvertently did not get filed in another protest so you would see that perhaps this rehab document from the claimant was filed in both protests. If you see it missing in one protest that would be a clue to you that you need to get that fixed or we've made an error.

When you can click on any of these tabs it will switch your field. This is "Closing Arguments," divided by protests; who filed the closing argument; the date they filed it. This is a motion detailed summary screen. It lists all the motions that we've received in the history of the litigation of these protests; who filed the motion; the type of motion it was; if there was a response or not; the action taken; the reason; and the date that it was mailed.

This is the final screen which is "Decision Details." In this case we showed the two issues were both decided on the same date, November 6, and the claims administrator's decision was affirmed.

So these are all information screens that will help you with your adjudicated claim to see what the status of the case is and if the things that you think have been done have been done and properly received by us. Or if you're checking to see if something got slipped into the case without your awareness you can check this screen and see what's going on.

This is our basic working tool in the Office of Judges and it has been modified very slightly. We've cut out some internal security type screens and information. But

basically this is the same information we work with daily in the Office of Judges on every case that we have. It is now available to the outside attorneys and their law staff to double check us. We are hopeful that it will be helpful to the public and that it will identify those few occasions where we make a data entry mistake so we can get it corrected instead of waiting until the decision comes out and then trying to fix it.

Lesly Messina (Affiliated Construction Trades Foundation): Judge Leach, will these names and passwords be available to pro se claimants?

Judge Leach: The question for those in the back is – are we going to make this available for “pro se claimants?” For the time being it is not our intention to do that. And the reason why is because this is somewhat complicated litigation information. We feel like the pro se claimants will have more questions raised by what they see here than some lawyer who is used to dealing with this information on a daily basis and can see immediately that all of my evidence didn't get in or something like that. So we would prefer the pro se claimants to continue to call us and let us walk them through on a person-to-person discussion basis rather than having them trying to figure it out over the Internet. But if the success rate is high enough and our security concerns can be addressed, we may eventually make that available. That is all I have, Mr. Chairman. Any other questions?

Chairman Dean: Does anyone from the Commission have any questions? Delegate Guthrie, do you have any questions?

Delegate Nancy Guthrie: No sir.

Chairman Dean: Delegate Webster, do you have any questions for Judge Leach?

Delegate Carrier Webster: Yes, I have one. With respect to access to the Claims Index, who exactly has access to that?

Judge Leach: Are you talking about the OIC Claims Index or are we talking about my I-AIMS case tracking system?

Delegate Webster: I guess because you're talking about the case tracking system. Right?

Judge Leach: Right.

Mary Jane Pickens (General Counsel OIC): I can jump in on the Index.

Delegate Webster: Both of them. . .how does it differ between who has access to the Index and the case tracking?

Judge Leach: In AIMS, the requirement is that you have to have a sign in name and a password, and then my computer system will only allow you to look at those cases in which you have appeared as an attorney. So it's an attorney driven case. And it could be claimants' attorneys or employers' attorneys or insurance company attorneys, as long as you've made a formal notice of appearance to the Office of Judges "that I represent this interested party in the case," then my system will let you look at all cases in which you have made that type of appearance.

Delegate Webster: Now only attorneys or. . .say a claims administrator for an insurance company, will they have access to the case tracking?

Judge Leach: Its attorneys, carriers' attorneys – that is attorneys that the carrier has assigned into the case, or claimants or employers' attorneys.

Delegate Webster: Okay.

Judge Leach: So its "attorney based" for now. It's not limited to attorneys in the office. Once we give out the permission to the law firm then paralegals, secretaries, other people – as the administrator of that firm wishes – have access. But in terms of access from our point of view, it is a law firm type driven system for either law firms representing insurance carriers, law firms representing employers or law firms representing claimants.

Delegate Webster: Mary Jane, what about the Claims Index?

Mary Jane Pickens: The Index, as you know, the statutory authority for that was really geared toward the administration of claims or the adjustment of claims. From prior discussions we had initially allowed claims administrators to grant authorization to search through that Index on the Internet to defense counsel and we've recently changed that. In fact all of the administrators that we had authorized had to reapply basically for access to the Claims Index. That has pretty much run its course and essentially the defense attorney access to get into and search through the Claims Index has been terminated.

Delegate Webster: My concern. . .I know we talked about it and I don't think we ever confirmed. . .so this is a good time for me to verify. . .the one proposal or the policy

that was in place would have allowed administrators and defense attorneys but not claimant attorneys. And I know we discussed. . .at the Legislative meeting or the Industrial Council. . .and you're now saying that has been resolved to only one group that gets to access it. Who is it?

Ms. Pickens: Yes, it has. It's the claims adjustors – people who are administering claims.

Delegate Webster: Okay. And that was changed in the form of a policy. How did you do that?

Ms. Pickens: We had to send Notice out to the people – the adjustors that we had granted that authority – to share the access with others and tell them that if they didn't reapply by a certain date they would be cut off. And they have reapplied. I think there may have been a few that haven't and we are trying to aggressively follow up on those because we certainly didn't want to interfere with any claims administration. And our IT folks put a pop-up out there also, so any time someone goes to the Index they were warned of this change. And that's been out there for several weeks now. I think we've worked through all that.

Delegate Webster: Okay, that sounds great.

Chairman Dean: Mr. Pellish, do you have any questions?

Walter Pellish: No questions.

Chairman Dean: Thank you.

**4. Public Hearing on Rule 1**  
**Title 85, Series 1, "Claims Management and Administration"**

[Please refer to the Public Hearing transcript.]

Ms. Pickens: One thing that is not on the agenda, but it's before the next presentation in your packet, is the Status of the Old Fund. It is a follow up from the last meeting. At the last meeting I was reporting on collection activities that we engage in here, and when it got to the question about audits I incorrectly stated that that wasn't something that we had really focused on. And Melinda Kiss slipped me a note that said,

"Oh, yes we have. We've done many of them." So I needed to come back to this meeting and correct what I had said earlier and clarify what we have been doing with employer audits.

When the transition occurred at the beginning of 2006, the Insurance Commissioner's Office inherited a significant backlog of employer accounts from the former Workers' Compensation Commission which were in what we called a "Status 5" category, which meant that they were accounts that were pending an audit. And they were pending an audit for a couple different reasons. Either there was an excess balance or an excess deposit that the employer had which meant that the State owed money back to the employer, or there was money due to the State.

The initial focus of our efforts on these audits has been to look at the ones where we felt that a refund was due because employers were out there waiting for these refunds, so we placed our resources there initially. The Employer Coverage Unit is the unit here in our office that does these audits and they processed 2,076 of these refunds since January of 2006. All refunds due to employers from the Old Fund have been completed. To date the Employer Coverage Unit has reconciled 3,378 employer accounts total. The difference, 1,302 employer accounts were the ones that showed a balance due to the Old Fund. These included accounts with unfiled payroll reports. The procedures that we used involved a comparison with Unemployment wages filed and a review of common ownership accounts.

Not all employer accounts required an audit. Some had been done before the transfer. These are ones that hadn't been done at the time of the transition at the beginning of 2006. Now we are down to the point of essentially when our Revenue Recovery Division feels that an audit is appropriate for their collection activities they send that request to Employer Coverage and then they do the audit. There is not really what we consider to be a backlog at this point. They are doing them as the audits appear to be necessary and they come up through their normal collection activity. So my statement that we weren't doing them was incorrect. We've actually done over 3,300 of them since January 2006.

## **5. Update on Status of Old Fund – Mary Jane Pickens**

Mary Jane Pickens: The fiscal year 2008 audited financial statements have been completed and the OIC received a "clean" audit opinion with no reportable findings. The largest fund on our financial statements is the Workers' Comp Old Fund. A positive

note, during the fiscal year 2008 the deficit in the Old Fund was reduced by \$450 million dollars bringing the Old Fund deficit balance down to roughly \$1.5 billion dollars. Those are relatively new numbers. We've presented this Information to the Joint Committee on Government and Finance earlier this week.

The claims liability of the Old Fund at fiscal year end is at \$2.4 billion dollars, and the total assets of the Old Fund at June 30 were \$900 million dollars. Total payments from the Old Fund for claims and related expenses for fiscal year 2008 were \$258 million dollars, and total revenues received for deficit reduction was at \$271.1 million dollars

The Old Fund also received – on the surplus note with BrickStreet – \$40 million in principle payments during fiscal year 2008. Then in early fiscal year of 2009, BrickStreet made an additional \$60 million dollar principle payment on that surplus note.

In terms of the dedicated revenue stream and what that yielded during fiscal year 2008, we had personal income tax proceeds at \$95.4 million dollars; severance tax proceeds at \$125.8 million dollars. The employer premium surcharges were a total of \$38.9 million dollars – broken down between self-insureds and insured employers; and video lottery proceeds at \$11 million dollars.

In addition to the money side of the Old Fund, we believe we've made a lot of progress as far as handling management of Old Fund claims. We've transitioned these claims to three new TPA's and they have now been working those claims for all of this year, and we think that a lot of progress is being made there. It's required us also to review a lot of the data and clean that up and make a lot of determinations about what claims are opened and what claims are closed. So there's been a lot of activity in the management of those old claims.

We are in the process of updating the estimated date for pay off of the Old Fund liabilities. The financial statements are available on our website. My understanding was that they might be out there very soon – as soon as tomorrow. The last page shows how to get to those reports, and they are going to be the audited financial statements out there in a PDF file. Are there any questions?

Chairman Dean: Are there any questions for Mary Jane?

Mr. Hartsog: When do you think the Old Fund is going to be fully vested?

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Ms. Pickens: Well, that's what we're working on and I don't know if Bill wants to expound upon that.

Bill Kenny (Deputy Commissioner, OIC): Two thousand fourteen to 2016 is the current estimates on it. Obviously very, very highly speculative because of. . .well there are two big factors. One is very favorable, and that is the number of claims that we can close out thus reducing the liability. The other one is very speculative – when the financial markets will turn around. We have not gotten obviously any help from the financial markets during the last six months and so we're behind in that. We projected a 5% annual return, and of course this year we're not going to get 5%. In fact, we've got negatives.

Mr. Hartsog: You think not?

Mr. Kenny: Yes. We've got negatives. That's a big factor because we have in the neighborhood of \$700 million dollars invested. So obviously 1% is a big number.

Delegate Guthrie: Do you have a breakdown on where that is invested?

Mr. Kenny: Sure. I can tell you in general and I can get you the details – the Investment Management Board first of all. The target is 20% in equities; 50% in fixed income bonds, that kind of stuff. That's broken between short-term duration and long-term duration. Twenty percent I believe in alternatives, being hedge funds, real estate, private equities.

Delegate Guthrie: This is the same report that Craig Slaughter gave this week?

Mr. Kenny: Yes, except if you look at his report all of the funds that he invests – a lot of the funds – have different asset allocations. So our asset allocation, as I just said, is 20% equities where the pension funds are probably in the neighborhood of 40% to 50% equities. Ours. . .we thought were more conservatively invested. . .leaning more towards fixed income because we're somewhat shorter in our needs for those funds, even though it's out there 2014 and 2016. That's a relatively shorter period of time. So the Investment Management Board had made those recommendations and we did accept them to invest in that allocation.

Delegate Guthrie: Here's the question and this may sound kind of naive. Can different agencies like the Insurance Commission request that your assets be put more heavily into fixed income assets and get out of the hedge market and the international market, or at least reduce the percentage of exposure as well as into the real estate –

all of the things that are crumbling right now. I looked at Slaughter's report the other day and I thought I don't know why we're continuing in hedge funds and. . .

Mr. Kenny: Well they just actually started in hedge funds less than a year ago. In fact they're not too fully invested to the degree that the plan calls for.

Delegate Guthrie: But my senses that the hedge funds in general may be an endangered species with this new administration.

Mr. Kenny: It's hard to say. A hedge fund is not a hedge fund is not a hedge fund. I think the common perception is that a hedge fund is really just a highly leveraged speculative instrument dealing in pork bellies where that is not necessarily the case. The types of hedge funds that the Investment Management Board is looking at are those things that actually mitigate risk. In other words they reduced risk as opposed to looking at the hedge funds for return, and it can be used either way. Real estate. . .we are not very heavily into the real estate from a workers' comp side because those things tend to be really a 10 to 15 to 20 year type investment. I know the Investment Management Board and Craig – I don't want to speak for him – they are looking at those kind of things to provide more of a leveling out. And in fact had they been in those types of investments. . .let's go back three, four, five years. The volatility would have come out of the portfolio to some degree. In this market you can't really expect very much of them at all. I know they usually do better than most of their peers. As I said, we are only 20% in equities. Another 20% will eventually be into the alternative investments – I think is how he expressed it – with the intent of trying to reduce our volatility. And then the rest of it. . .when losses came, portfolio was in what everybody says is safe investment bonds – fixed income bonds. But bond markets as we found out do go up and down. Now it's all paper.

We fully expect that we really will not ultimately lose the dollars that are showing on our financials today because we don't have a need to cash in any of these investments. We have a positive cash flow, so we will not need them until when we finally roll out of the market place. And at that point in time, since the duration is short, most of those bonds will have come due and they will pay dollar for dollar. Bonds will pay dollar for dollar once they are redeemed or have matured, and that's the case in most of our portfolio. We had very minute exposure to Lehman Brothers, Washington Mutual and Fannie Mae – very little exposure there. We'll end up ultimately recouping some of the losses. We've spread it and we've spread it on the conservative side because of the short lengths and because of the nature of the funds. I'm not going to second guess Craig [Slaughter] and all the team of experts that they employed. I certainly have to have confidence that they know a little more than I do. The last few

months have not been good for anybody. Treasury Secretary Henry Paulson just said this is a once or twice in a hundred year experience that we are going through right now. I don't know. To answer your question – yes we could. We choose not to because we don't have the expertise that they have. What we communicate to them is what our needs are and what we see going forward cash wise, and we expect them to design the best portfolio because of those needs and timelines.

Chairman Dean: Mr. Hartsog, do you have a question?

Mr. Hartsog: Is there an actuarial report available that talks about what the future looks like?

Mr. Kenny: There is an actuarial report available that establishes the long-term liability – the liability as it stands today, much as you have one for a self-insured account. There is not an actuarial report projecting pay-outs because there are way too many. . .it will have enough sufficient funds in order to do a risk portfolio transfer, I think is where you're heading.

Mr. Hartsog: Is there one that just talks about the Old Fund?

Mr. Kenny: An actuarial report?

Mr. Hartsog: Yes.

Mr. Kenny: Sure.

Mr. Hartsog: And how recent is it?

Mr. Kenny: It is current, as of June 30, just as our financials are.

Mr. Hartsog: Could we get a copy of that?

Mr. Kenny: Yes. I'll be happy to get you a copy.

Mr. Pellish: I would like to see a copy of that as well.

Mr. Kenny: What it's going to do is offer an opinion on what our liability is today.

Mr. Hartsog: And what they're projecting the cash stream to be?

Mr. Kenny: It does not do that.

Mr. Hartsog: Well, how can they do a report in that regard without looking at what the inflows and outflows are going to be?

Mr. Kenny: Because their charge is to give us an actuarial opinion on the value of the portfolio of risk. How much is the risk? How much in terms of reserves going forward is necessary? And it is strictly an evaluation of our liability. They were not charged with, and we do not use them, to do financial projections for the State. We have other consultants.

Mr. Hartsog: I don't know how they could look at what your liability is today. I think you said discounted 5% or whatever the number was. In order to determine that, it would seem like they would have to look at what the cash outflow is going to be based upon. . . tables. . .

Mr. Kenny: But they don't do a cash flow analysis. There will be an assessment of what is necessary now and going forward in the future for those claims. Especially since our claims are fairly well encapsulated, there should be no real significant growth of claims. So we do have that. We don't ask them to put the two pieces together, and that is an asset projection. They are not charged with looking at assets and what funding needs to be going forward. We do have others that look at that on our behalf and take all of those pieces and opine to us what is necessary. That is not done, and we probably won't do this year at all.

Mr. Hartsog: Bill, if you could provide a copy of that I would like to look at that.

Mr. Kenny: Sure.

Mr. Hartsog: And another thing – I noticed on the annual financial statements last year the accounting for the Old Fund was capsulated very briefly in some supplemental schedules in the financial statements versus having any detail that some financial folks [like myself] would like to see and kind of digest a little bit more about what's going on. Is there a more detailed balance sheet, income statement? I'm not talking about audited financial statements. Even unaudited information that kind of shows two or three years of trends about the different pieces, like Mary Jane has here with regard to revenue coming in and the details – administrative fees; claim benefits; indemnity; medical; the kind of stuff that is getting paid out; kind of the breakdown of how many claims are getting paid out of the Old Fund.

Mr. Kenny: We actually provide that to the Legislature every month and I can get you a copy of that.

Mr. Hartsog: That would be great if you could provide that to us each month at the Industrial Council meeting.

Mr. Kenny: I would be happy to make a few extra copies.

Mr. Hartsog: I appreciate it.

Chairman Dean: Mr. Marshall, do you have any questions?

Mr. Marshall: No, Mr. Chairman.

Chairman Dean: Delegate Webster, do you any questions?

Delegate Webster: Yes, just a follow-up to the report that Mary Jane gave about the audits – the refunds to employers and the balance due. Do you have the amounts that were collected or refunded?

Ms. Pickens: Not with me today, but I can follow-up on that.

Delegate Webster: If you could just do it at the next Industrial Council meeting that would be fine. I'm just curious about what we're talking about – thousands or hundreds of thousands or far more than that in terms of refunds. Does it substantially impact the Old Fund? I mean it's going into the Old Fund. Right? The collection?

Ms. Pickens: Right. This is money going into or coming out. My feeling is that it is not a substantial amount of money you're talking about, but I can follow-up with our Revenue Recovery Unit.

Delegate Webster: Next month is fine.

Ms. Pickens: Okay.

Chairman Dean: Mr. Pellish, do you have any questions?

Mr. Pellish: Question for Bill. You've been looking at this for a couple of years now. How much of a difference do you see in terms of the deficit and the liabilities of

the Old Fund now versus what the picture was three or four years ago? Is there anything out there medically that's changed?

Mr. Kenny: Yes. The peak – if I can call it a “peak” – of the unfunded liability was in the neighborhood of \$3.2 billion dollars.

Mr. Pellish: That's what I thought I recalled.

Mr. Kenny: Last year the number was \$1.9, and that peak was before privatization. Last year it was \$1.9, and if you take the round-off off we're really about \$450 million dollars better off this year at \$1.5. I'm rounding, so that's where the other \$50 million goes.

Mr. Hartsog: Are those numbers net or gross? Are they net of the cash that you have on hand. . .

Mr. Kenny: This is the unfunded liability.

Mr. Hartsog: The piece of it.

Mr. Kenny: This is the unfunded piece. We are going in the right direction. As I recall, payout information to revenues – and don't hold me to it but it will be in the report we'll send to you – we had revenue of somewhere in the neighborhood of \$273 – \$274 million dollars as I remember, and we paid out somewhere in the neighborhood of \$250 million dollars. This was the first year we actually had a positive cash flow if you will. We are getting more revenue than we are expending, and we expect that trend to continue obviously because our expenditures started out the year about \$2 to \$3 million dollars monthly than they are today. So each month they are going down and that's reflecting the fact that these claims are getting older and claimants are reaching maximum medical improvement and there are no new claims coming in to speak of. We have crossed over that threshold. We will continue to add to our portfolio absence of any investment gains or losses. Does that help you any?

Mr. Pellish: Yes. Thank you.

Mr. Kenny: And you'll see that in this packet I'll get to everybody.

Chairman Dean: Any other questions?

## **6. General Public Comments**

Chairman Dean: Does the general public have any comments today that they would like to bring forward?

## **7. New Business**

Chairman Dean: Is there any new business that you would like to comment on?  
Mary Jane. . .

Ms. Pickens: I just wanted to – and I do apologize for this – Bill went down the hall and got Joy Zirkle's official rule file and it shows that the rule we did file with the Secretary of State's Office on October 20, 2008, is in fact the version that came out of the Committee during its October meeting with Subsection 5.1 as it was moved and passed. I do apologize to the Council and the folks in the room.

Chairman Dean: All changes were made?

Ms. Pickens: Yes, all changes were made.

Mr. Kenny: And the word "consecutive" was put in there?

Ms. Pickens: Yes.

Chairman Dean: Does anybody have anything else under new business they would like to bring up? Delegate Webster, would you like to bring up anything under new business?

Delegate Webster: No, sir.

Chairman Dean: Mr. Pellish?

Mr. Pellish: No, sir.

## **8. Next Meeting**

Chairman Dean: We'll move onto the next meeting.

Ms. Pickens: We have put together a new "proposed" calendar because we had only scheduled meetings through November. Last year we did not have a meeting in December and our proposal is to also not have a meeting in December this year. It gets difficult. Christmas Day is on a Thursday this year too. What we're proposing is January 15, which is a Thursday. We would have gone with the eighth but our PTD Reviewing Body meets on the eighth and they beat us to that day and they meet in this room. Our suggestion is to start again in January on the 15<sup>th</sup> at 3:00 p.m.

Chairman Dean: Could we go one more month in February? What is your meeting date there?

Ms. Pickens: The February meeting would be the 19<sup>th</sup>.

Mr. Hartsog: Do you just have two months worth or do you have several?

Ms. Pickens: We have six months.

Mr. Hartsog: Could you please send us out an e-mail with those dates so I can get them on the calendar?

Ms. Pickens: Yes.

Mr. Hartsog: That would be great. Thanks.

Chairman Dean: Does any member of the Council have a problem with January 15 for the next meeting? Delegate Webster, is the 15<sup>th</sup> of January okay with you?

Delegate Webster: Yes.

Chairman Dean: Mr. Pellish?

Mr. Pellish: Sounds good to me and I'll be ready to travel by then since this knee is coming right along.

Chairman Dean: The next meeting will be Thursday, January 15, 2009, at 3:00 p.m. here at this site. And you will send us a copy of the calendar so we can get our calendar set for the next six months.

Ms. Pickens: We'll do that.

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Chairman Dean: I need a motion to adjourn.

Mr. Hartsog made the motion to adjourn the meeting. The motion was seconded by Mr. Marshall and passed unanimously.

There being no further business the meeting adjourned at 4:00 p.m.