

# Claimscene

A Publication of the Atlanta Claims Association

Photo Courtesy of the Downtown Atlanta Daffodil Project

## Save The Date

### ACA Annual Educational Seminar

Thursday, April 16<sup>th</sup>, 2020

Crowne Plaza Perimeter at Ravinia

4355 Ashford Dunwoody Rd, Atlanta, GA 30346

[MORE INFO & REGISTER](#)

### ACA Golf Outing 2020

Monday, June 1<sup>st</sup>, 2020

Country Club of Roswell

2500 Club Springs Drive Roswell, GA

#### To Participate

You Must be an ACA Member or

- A Guest of a Member \*
- A Sponsor
- A Guest of a Sponsor \*

\* One Guest per Member or Sponsor



[MORE INFO & REGISTER](#)

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For submissions to the  
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contact Angela Patman at:  
[angela.patman@thehrtford.com](mailto:angela.patman@thehrtford.com)

# Letter from The President

## Adolphus Drain



I am officially declaring myself a lame duck President with less than two months remaining in my term (no jokes, please!!!).

We have several events planned for the spring and early summer and really need your participation. First up are two webinars. Both webinars are informative and will have CEU credits available and will start promptly at 12 noon Eastern Standard Time (EST). Call-in information will be sent via email for both webinars. Grab a lunch and join us. The first webinar was held on February 27<sup>th</sup> so if you missed it, be sure to make the next one.

**On March 19th:** Physiotherapy and Associates will host a webinar on Reading and Understanding Physical Therapy Reports (how many of us just file those away without reviewing them?).

Registration has started for our **Annual ACA Educational Seminar and Installation of Officers Luncheon on April 16, 2020 at the Crown Ravinia Perimeter**. The Education Committee has put together a dynamic conference. The highlight will be a panel discussion with plaintiff attorneys, Heather Froy of Sadow & Froy, Shannon Rolon of J. Franklin Burns and Bryan Ramos of the Ramos Law Firm. This will be a great opportunity to hear and see claims from the plaintiff attorney's perspective. We will get to have a dialogue with them and discuss the issues of the day.

Sponsorships are still available for the conference. Please reach out to Jennifer Herring ([JHerring@Myphysio.com](mailto:JHerring@Myphysio.com)) or Jamaal Wilson ([Jamaal.Wilson@pmagroup.com](mailto:Jamaal.Wilson@pmagroup.com)) to get details about sponsorship. Our vendors will be present with displays and you will have an opportunity to meet and greet the new ACA President and Board.

Finally, golfers' dust off your clubs!!! The **Annual ACA Golf Tournament** will return to the beautiful **Country Club of Roswell on Monday June 1, 2020**. Last year, we had a full house with 100 golfers and all holes sponsored. We had a great time with lots of fun raffle prizes. You can find tickets and registration on the ACA website [EVENTS](#) page. If you are interested in sponsorship, please contact me ([Adolphus.Drain@CobbK12.org](mailto:Adolphus.Drain@CobbK12.org)) or Jennifer Herring ([JHerring@MyPhysio.com](mailto:JHerring@MyPhysio.com)).

One more thing, we need to increase our presence in the liability and property community in Atlanta. If you know of any adjusters that would be interested in joining ACA, please reach out to them. You should also renew your dues for 2020 (IJS). For more information, click on the link to our website Membership page below.

See you guys soon and register to attend these great events!

PACA,  
Adolphus Drain

[Membership](#)

# Rebekah Ratliff

Member  
**Spotlight**



## Contact Information

Company: Capital City Mediations, LLC  
a division of CCM Consulting Associates, LLC

Email: Rebekah@consultccm.com

Phone: 770-282-7750

## ACA Involvement

Date of ACA Membership:  
2009 (Kowalski was President)

ACA events that you have attended and/or assisted  
with planning/sponsorship:

Annual Conference attendee

Annual Conference panel moderator/presenter  
(2019) Co-Facilitator joint ACA/AAIP Summer event  
(2018)

## Work History

Title/Occupation:

Complex Casualty Claims Adjuster since 1991  
Civil Mediator/Arbitrator/Consultant since 2016

State Licensed: GA

Fields of Expertise: personal injury/wrongful death,  
medical malpractice, commercial premises liability,  
auto/ trucking liability, products liability, municipal  
liability, nursing home/assisted living facility liability  
(primary and excess, national/global)

Designations: CCLS

## Personal

Marital Status: married

Children: son, Camron

Hobbies: travel, fine dining

College: University of IL at Urbana

Degree: BA Psychology

## What would you like to share with ACA Members?

I am the President of the Atlanta Association of Insurance Professionals (AAIP). We have a collegiate tour, to educate (HBCU) college students about career opportunities in the insurance industry and would love to have ACA professionals' partner with us in this effort. We are investing in the NEXT generation. Also, as of February 1st, I will be mediating exclusively through Henning Mediation & Arbitration Service, Inc. in Atlanta.

## If you could have lunch with a famous person, who would it be and why?

Jesus. I would love to know how he puts up with all of us and continues to love and bless us beyond our wildest dreams.



# Honoring Black History Month February 2020

*Let Us Banish Fear.*

— Carter G. Woodson  
*The first advocate for  
a month honoring the  
achievements of  
African Americans*



"Seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history."

The roots of Black History Month can be traced back to black historian and journalist Carter G. Woodson who helped found Negro History Week in 1926. The event coincided with the birthdays of President Abraham Lincoln and abolitionist Frederick Douglass during the second week of February.

Honoring the contributions of black Americans expanded from black communities in the 1950s and 1960s to schools and city halls across the country, as teachers and mayors took part too. The celebration was expanded to the month of February in 1976.

The [National Museum of African American History and Culture](#) in Washington, D.C. opened in 2016 and is a popular destination during Black History Month.

## **ACA BOARD, INCOMING SLATE OF OFFICERS 2020/2021**

**President** - Angela Patman, The Hartford, Angela.Patman@thehartford.com

**First Vice President** - Essie McMillan, Sedgwick CMS, Essie.McMillan@sedgwickcms.com

**Second Vice President** - Valerie Cannady, MetaSense, VFCannady@aol.com

**Secretary** - Jennifer Best, Broadspire, Jennifer\_Best@choosebroadspire.com

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**Assistant Secretary** - Kara Sepulveda, Beecher Carlson, KSepulveda@beechercarlson.com

**Assistant Treasurer** - LaDella Holmes, Capability Rehab Network, Ladella@crnrehab.com

**Members, if you haven't voted yet, please do so by going [HERE](#).**



## AN ADJUSTER'S FRIEND: THE 104 PROCESS

by Attorney Zon Stine  
Cuzdey, Ehrmann, Stine & Sansalone



When it comes to helping move cases to closure, Georgia Statute 34-9-104 is one of the most useful to Employer/Insurers in reducing benefits and expediting cases to resolution. The statute allows an Employer/Insurer to reduce income benefits from temporary total disability benefits to temporary partial disability benefits within 52 consecutive weeks (or 78 aggregate weeks) of the Claimant being placed at light duty by the authorized treating physician. In addition, it changes the income benefit cap from 400 weeks to 350 weeks. Specifically, the statute 34-9-104 states in pertinent part:

(a)(2) When an injury is not catastrophic...and the employee is not working, the board shall determine that a change in condition for the better has occurred and the employee shall be entitled to the payment of the benefit for temporary partial disability in accordance with Code section 34-9-262, if it is determined that the employee has been capable of performing work with limitations or restrictions for 52 consecutive weeks. Within 60 days of the employee's release to return to work with restrictions or limitations, the Employer shall provide notice to the employee on a form provided by the board that will inform the employee that he or she has been released to work with limitations or restrictions, will include an explanation of the limitations or restrictions, and will inform the employee of the general terms of this Code section. In no event shall an employee be eligible for more than 78 aggregate weeks of benefits for temporary total disability benefits while such employee is capable of performing work with limitations or restrictions...Whenever an Employer seeks to convert an employee from temporary total disability benefits to temporary partial disability benefits as provided in this paragraph, such Employer may convert the benefits unilaterally by filing a form indicating the reason for the conversion as prescribed by rule of the board (Rule 104).

(a)(3) For the purposes of calculating temporary partial disability benefits...they shall be paid as follows:

(A) When an employee is receiving the maximum benefits allowed under Code Section 34-9-261(the TTD statute), the Employer shall cause to be paid the employee an amount equal to the maximum benefit allowed under 34-9-262 (the TPD statute); or

(B) When an employee is receiving less that the maximum allowed by code section 34-9-261, the Employer shall continue to pay the employee the same benefits as provided by Code section 34-9-261, not to exceed the maximum benefit provided by Code Section 34-9-262.

And Rule 104 states:

(a) To unilaterally convert the employee's income benefits from temporary total disability benefits to temporary partial disability benefits under 34-9-104, the Employer/Insurer shall serve the employee and the employee's attorney a Form WC-104 no later than 60 days from the date the employee was released to work with restrictions by the employee's authorized treating physician. In addition, the Employer/Insurer shall attach to the Form WC-104 the medical report demonstrating that the employee is capable of performing work with restrictions.

(b) After serving the employee and the employee's attorney sufficient and timely notice under section (a), if the employee has been released to return to work with restrictions for 52 consecutive or 78 aggregate weeks, the Employer/Insurer may unilaterally convert the employee's income benefits from temporary total disability benefits to temporary partial disability benefits by filing a Form WC-2 with the Board. When filing the Form WC-2, the Employer/Insurer shall attach the Form WC-104 and attached medical report. Copies of all filing shall be served on the employee and the employee's attorney.

Consequently, in Georgia, as soon as you acquire any type of light duty release from the authorized treating physician, you should immediately perform the following:

1. Check and see if you are within 60 days of the report date.
2. If not, set the Claimant for a follow up appointment with the authorized treating physician as soon as possible.
3. If within 60 days of the report date, prepare the Form WC-104 indicating that the Claimant's temporary total disability benefits will be reduced to temporary partial disability benefits as of exactly one year from the date of the medical report.
4. As mentioned above, if the Claimant is receiving temporary total disability benefits for any amount above the maximum temporary partial disability benefit rate of \$450.00, their temporary partial disability benefit rate will be \$450.00 per week beginning on the date indicated on the Form 104. Also, the statutory benefit cap is now reduced from 400 weeks to 350 weeks.
5. If the Claimant is receiving temporary total disability benefits at a rate less than the maximum temporary partial disability benefit rate of \$450.00, their benefits will simply remain the same amount even though they have switched from temporary total disability benefits to temporary partial disability benefits, BUT the statutory benefit cap is now reduced from 400 weeks to 350 weeks.
6. Once the Form 104 is completed, file a copy with the State Board with the medical attached and send copies, with the medical attached, to the employee and their attorney, if represented.
7. Diary your file to reduce benefits as of the date on the Form 104, and when that date comes, file a Form WC-2 reducing benefits to the temporary partial disability benefit rate, making sure to attach the Form 104 and medicals, and making sure to copy the Claimant and his attorney.

Often times, by utilizing this process, you can then push the case to a final and reasonable resolution, which normally is the goal for all parties.

Should you have any questions please call or email Zon



## Welcome New Members for January

### Deedra Y. Walker

Walker & Penny Services, LLC  
Independent Appraiser/Adjuster/Agent

### Harry Tear

Moore Ingram Johnson & Steele  
Attorney

### Michael Walker

YOUNG & Associates  
Regional Consultant

### Jill Peacock

Doctor of Physical Therapy  
Director of National Sales

### Bailey Vincent

Claims Adjusters 411  
Marketing Representative

Click on any  
ad to go to  
the website.

For submissions to the Claimscene please  
contact Angela Patman at:  
[angela.patman@thehartford.com](mailto:angela.patman@thehartford.com)  
Please click below to download the  
Member Spotlight Template  
[Spotlight Template](#)



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