

# Retrospective Rating

## *Protesting Retro Adjustments*



You have 60 days from receipt of notice to file a protest against most L&I orders.

### **It is appropriate to protest a Retro adjustment decision if:**

- L&I had the necessary information for claim closure prior to the freeze date but did not take action on the claim.
- There were unreasonable delays in claim action by L&I.
- The claim file contained an unresolved protest or appeal prior to the Retro adjustment freeze date.
- There is an open third-party settlement pending.

### **Retro protest resolution depends entirely on claim action.**

Relief to adjustment protests are based entirely on actions taken during claim processing or by the Board of Industrial Insurance Appeals. The outcome of the claim review is based on the documentation in the claim file prior to the adjustment freeze date unless the issue is under protest at the time of the freeze.

Retro staff will review each protest to determine whether or not relief will be granted, denied, or is pending further action.

### **Retro will respond to your protest with an order/letter and summary of review.**

An order will be issued for each coverage period under protest and will reference each claim protested under that coverage period. The order will state if relief has been granted, denied, or is pending for each claim that was protested.

A summary review of the findings and a letter will accompany the order.

If relief has been granted, we will manually recalculate the adjustment(s) with the corrected claim values and issue a new adjustment report to reflect the amendments.

### **Please note:**

- All assessments are due within 30 days of receipt, regardless if they have been protested or not.
- By protesting the Retro adjustment you are only ensuring that the claim will be reviewed in more detail. This does not guarantee that relief will be granted.
- We don't have the ability to make any changes to the status of a claim. If relief on a claim is granted, we will update only the claim costs that were captured in the Retro system at the time of the adjustment freeze date.
- We can't reserve a claim or make changes to a reserve amount.
- Retro will not grant relief on a pending item. Review will be set on hold until claim action is taken.
- Future Reserves for some Retro claims are based on the average costs of claims within each claim type; this is done for claims that are open with no case reserve.

### **For more information**

Contact us now and learn how Retro can save you money:

- 360-902-4851
- Email to [Retro@Lni.wa.gov](mailto:Retro@Lni.wa.gov)
- On the Web at [www.Lni.wa.gov/Retro](http://www.Lni.wa.gov/Retro)

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