



WHY TIMELY REPORTING MATTERS WITH WORKERS' COMPENSATION CLAIMS

The Importance of Timely Reporting Workers' Compensation Claims and Incidents

Timely reporting of workplace injuries is one of the most important responsibilities for both employees and members. Prompt reporting protects workers' access to medical care and income benefits, reduces disputes, and ensures compliance with state laws governing workers' compensation.

Why Timely Reporting Matters

Prompt reporting lays the foundation for an efficient, credible, and legally compliant claims process. All parties, including employees, members, and the Fund need to ensure that workplace injuries are addressed quickly and accurately. Failure to follow these requirements can result in delayed treatment, denied benefits, and administrative penalties.

Reporting a claim

Reporting a workers' compensation claim can be completed either online or via FROI (First Report of Injury), and each method serves a related but distinct purpose. Online reporting involves an employer or intake user entering claim details directly into The Fund's web-based portal, allowing the claim to be created in the claims system quickly with minimal technical requirements. When reporting via FROI, the completed FROI form is emailed to The Fund's intake email address, where the information is then entered into the claims system for processing and state reporting compliance.

Employee Responsibilities

Report Within 30 Days

Employees must report their injury or work-related illness to the member **within 30 days** of the incident or from the date they realized the condition was work-related. Delays beyond this timeframe may jeopardize eligibility for workers' compensation benefits.

The 90-Day Rule

Texas enforces a strict **90-day deadline** for reporting work-related injuries. Under **Texas Labor Code §408.021**, workers who fail to report within this window may lose their right to all workers' compensation benefits, except in rare cases involving incapacity or employer knowledge of the injury.

Document Every Report

Even if an injury appears minor, it is essential to document it in writing immediately. Delaying reporting, even by a week, can create challenges in establishing work-relatedness for medical providers and may lead to closer scrutiny or administrative difficulties for the Fund during claim review.

Employer (Member) Responsibilities

File the Claim with the Fund Immediately

Once informed of an injury, members must report the incident to the Fund **immediately or as soon as it becomes known** to ensure the claim is activated promptly. Any delay in filing can interrupt timely medical care and may expose members to penalties if the employee is entitled to time-loss benefits.

Fund Responsibilities

The Fund must electronically file official claim information—including the Employer's First Report of Injury—**within seven days** of receiving notice of lost time or a reportable injury. This requirement is outlined in **Texas Administrative Code §124.2**.

Serious Incidents & OSHA Requirements

Some workplace events require **both** workers' compensation reporting **and** OSHA reporting:

- **Fatalities:** Must be reported within **8 hours**
- **Amputations, loss of an eye, or inpatient hospitalization:** Must be reported within **24 hours**

These regulations emphasize the critical importance of timely communication following serious incidents.

Consequences of Late Reporting

For Employees

- Loss of eligibility for benefits
- Delayed access to treatment
- Increased scrutiny from the Fund

For Members

- Administrative penalties
- Delayed claims processing
- Potential legal exposure

For the Fund

- Compliance violations
- Delayed investigations

Best Practices for Timely Reporting

Employees

- Report all injuries immediately
- Use written communication (email, text, incident form)
- Keep medical documentation organized

Members

- Train supervisors on reporting timelines
- Maintain clear reporting channels
- Submit reports immediately—do not wait for the deadline

✓ **Fund Claims Teams**

- Verify portal submissions
- Track all DWC and OSHA deadlines
- Communicate early and often with injured employees

💬 **Closing Message**

Timely reporting is not just a compliance obligation, it is a critical component of ensuring injured employees receive the care and benefits they deserve. By understanding and following reporting requirements, members protect themselves, support their employees, and strengthen workplace safety culture.