

## **Annoyed by the NOID? Notice of intent to discontinue benefits—Minnesota workers' compensation**

The Minnesota NOID (notice of intent to discontinue, regarding workers' comp benefits) is not, as it sounds, some sort of futuristic robot but rather a written notice you may receive from your employer's workers' comp insurer. The purpose of the notice is to indicate that the insurer intends to discontinue your benefits. This could be because you have returned to work or because an independent medical examination (IME) indicates that your injury has healed, or for some other reason.

### **Can they do that?**

The first thing to do if you get a NOID is to check with a lawyer to see if the NOID is valid. There are specific statutory requirements for what the NOID must contain, and the failure to comply with those requirements can make the notice invalid. If the notice is invalid, the employer must continue paying your benefits as long as you are temporarily totally or temporarily partially disabled and your work injury caused or was a substantial contributing factor in the continuing disability.

The second thing to do after getting the NOID is to schedule an administrative discontinuance conference to obtain an expedited administrative decision regarding the termination of your benefits. If the discontinuation of benefits is based on your return to work, you have 30 days from when you returned to work to request this conference, so act quickly. If the discontinuance is for a reason other than return to work, you only have 12 days from the date that the NOID was received by the Department of Labor and Industry (DLI) commissioner. If you do miss these deadlines, you can still serve a different type of objection on the employer and the commissioner, but you won't get an expedited decision this way.

### **What's going to happen to my benefits?**

If the notice is valid and the reason given in the notice for discontinuation of your benefits is that you have returned to work, the simple fact that you requested an administrative conference does not obligate the employer to continue paying your benefits past the date of intended discontinuance, unless the employer is ordered to do so by the DLI commissioner. Additionally, any temporary total compensation you're receiving can be discontinued the day you return to work. So, because of the short timeframe involved in making an objection to the discontinuation of your benefits and because of the potentially serious impact of that discontinuation, it is a good idea to talk with a lawyer as soon as possible after you receive the dreaded NOID.

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