Reasons to Controvert

Below are some potential reasons to controvert. While not comprehensive, this list should serve as a guide to ensure that you have handled all potential defenses.

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- The current injury, illness, or death did not occur while the person was employed.
- The aforementioned claim may be contested by the employer/insurer on any additional or alternative grounds that are or may become available.
- According to the Georgia Workers' Compensation Act, the condition that is being complained of is not the consequence of an injury. O.C.G.A. Section 34-9-1 addresses heart attacks, strokes, and disabilities brought on by drug or alcohol addiction.
- The damage that has been reported is the consequence of a deliberate action by a third party for the employee's personal gain. Check out O.C.G.A. § 34-9-1.
- The alleged impairment is no longer connected in a direct manner to an injury or aggravation sustained while working. Refer to O.C.G.A. § 34-9-1 in cases when a claimant still claims disability owing to an unrelated condition even after a work-related disability has resolved.
- The worker neglected to provide the appropriate notification as mandated by the Georgia Workers' Compensation Act. See O.C.G.A. § 34-9-80
- The claim barred is by the statute of limitations. See O.C.G.A. § 34-9-82.
- The accident did not happen in this state, and according to O.C.G.A. § 34-9-242, which addresses situations in which a contract was not established in Georgia, the employee does not reside in Georgia, and the employer does not have a place of business in Georgia, the Georgia State Board of Workers' Compensation lacks jurisdiction to consider this claim.
- The claimant was not employed on the alleged date of the incident.
- Because the claimant is an independent contractor, the Georgia Workers' Compensation Act does not grant them benefits.
- The claimed benefits are not eligible for the claimant. O.C.G.A. § 34-9-8 addresses injuries that occur on premises where statutory employers have no control, as well as employers who are not statutory employers.

- The worker is not covered by the Georgia Workers' Compensation Act since they are a railroad employee, domestic helper, or farm laborer. See section O.C.G.A. § 34-9-2.
- Unlawful behavior, purposeful harm to oneself, willful disregard for using a safety device or fulfilling a legal obligation are all examples of accidents. Check out O.C.G.A. § 34-9-17.
- At the time of the injury, the employee was impaired by alcohol or another controlled substance. See O.C.G.A. § 34-9-17.
- The harm for which the employee was entitled to compensation did not result in death. For information about contesting death benefits following a compensable injury, refer to O.C.G.A. § 34-9-265.
- The claimant is not eligible for payments under O.C.G.A. § 34-9-265, which is directed at alleged dependents in death claims, nor is the claimant a dependent as defined by O.C.G.A. § 34-9-13.
- (For employees who allege psychological injury without physical injury) The employee has no physical injury or handicap resulting from or occurring during the course of employment.
- For the injury date in question, the claimant has already received all compensation owed under the Act (to cover claims when all 400/350 weeks of disability have been paid).
- Benefit claims arising from this injury date have already been resolved through stipulation, which has been authorized by the State Board.