

## Your LODI has been medically denied. Now what?

1. Members are only eligible for medical arbitration if their cases are medically denied for at least 20 consecutive days. You have ten business days from the date you were informed of the LODI denial in order to file for arbitration.
2. Fill out the medical arbitration form that you got from Tom Bennett or your local UFT rep. Choose the type of doctor you would like to act as your arbitrator (usually orthopedist or neurologist), choose the doctor you would like the arbitrator to talk to (i.e. your doctor), and choose the type of arbitration it is, (LODI). Then fill in the dates of denied LODI. If the injury is ongoing and you have not returned to work, put "to present" as the end date.
3. Scan the arbitration application and email it to [MLR@schools.nyc.gov](mailto:MLR@schools.nyc.gov), with a copy to Tom Bennett at [tbennett@uft.org](mailto:tbennett@uft.org) and/or your local UFT rep.
4. A day or so after filing for medical arb, you should receive an "eligibility letter" from the DoE. This letter says you are qualified for arbitration and have been placed on the list.
5. At this point, you have a gap in your service history that needs to be filled. You will have to go onto solas and ask for a special arbitration leave. It is called a "restoration of health pending medical arbitration." Select the dates starting with the first date of your LODI denial up to the day before you went back to work. If you don't know when you're going back to work discuss the best date with Tom Bennett and/or your local rep. You can elect to borrow 20 CAR days but you can't get a grace period.
6. Remember, you only upload the eligibility letter as documentation for the arbitration leave. No medical documentation is required.
7. An arbitration leave is a leave without pay but you can use CAR days. Once you run out of CAR days, you can apply to the UFT welfare fund for disability payments of \$475/week and you are kept on medical benefits for one year after the date you come off payroll provided you have an approved leave in solas. Welfare Fund # 212 539-0500.
8. HERE's a RARE PIECE OF GOOD NEWS. The DoE reviews all arbitrated LODIs to see if they were handled correctly. This process is known as "stipulation review." So, you may hear from the DoE in a month or so with an offer to accept more LODI in exchange for dropping the arb case. Sometimes the offer is very generous, up to the entire LODI. You should reach out to Tom Bennett if you get an offer so we can discuss the merits of the case.
9. The wait for the actual arbitration is at least three years and the member must pay \$800. The DoE also pays 800\$

### Some problems:

1. Sometimes members have been kept on payroll during a long wait to get their LODI's approved. They may not have had the sick days to cover that. Hence, the DOE is going to take that money back as soon as you start working again at the rate of 25% of each paycheck. DoE doesn't wait for the arbitration case to occur. They take it now.
2. Sometimes the denied LODI period doesn't represent all the LODI that the member wanted. For example, they were denied from 1/1/22 to 2/1/22, but are still out now. They should put the word "to present" on their arbitration form rather than a particular end date. That signals to the DoE that the LODI is actually longer than what they see in solas.

### Checklist:

1. Medically denied LODI of 20 or more days.
2. File for medical arbitration. Perhaps put "to present" on end date of LODI.
3. Await eligibility letter. (Usually comes in a day or two)
4. Apply for restoration of health pending medical arbitration. From first denied LODI date to whenever member goes back.
5. Upload only the eligibility letter into solas to support the arbitration leave.
6. Look for possible stipulation offer to resolve the LODI/Arbitration entirely. Takes a month or so.
7. If off payroll, apply to welfare fund for disability payments of \$475/week. Call the Welfare Fund at (212) 539- 0500.
8. Await arbitration which could take 3 years.