NEBRASKA
DEPT. OF ADMINISTRATIVE SERVICES

Standard Operating Procedure:
How to Open a Tort Claim

Department of Administrative Services
Risk Management

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Approved By:

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When a Tort Claim is received by the Office of Risk Management, you must first verify that all of the required information has been completed on the form.

Required information is as follows:

- Claimant Name
- Daytime Phone Number
- Street Address
- City, State
- Zip Code
- Date of Occurrence
- Total Amount of Claim
- Description of Occurrence
- Claimant Signature
- Date of Signature

If everything is completed you need to open the Claim in RiskConsole within three business days of when the Claim was received. Each claim that comes to the Office of Risk Management is different, and may require additional or different steps. Always ask questions if you are unsure about something.

The following information is a step-by-step guide on how to open a standard Tort Claim that will be investigated by a State Agency.

1. Go to the RiskConsole website and log-in with your username and password.

2. Once you are logged in to RiskConsole, hover over the **Records** drop-down on the top right side of the screen.

3. Under the **Add Record** section, in the first column, select **General Claims**. This will open a new tab labeled **General Claims**.

4. Once you are in the new tab, you will fill out the following fields:
   Claim Category
   a. **Claimant First Name** – Enter the first name of the Claimant as listed on the Claim form.
   b. **Claimant Last Name** – Enter is the last name of the Claimant as listed on the Claim form.
      i. If the Claimant is a business you will enter the business name in this field. If the business name is too long to fit you may also use the **Claimant First Name** field.

ii. If the Claimant is an inmate with the Nebraska Department of Correctional Services enter their inmate number after their last name (ex. "Smith #12345").

c. **Report Date** – Enter the date that the Claim was received by the Office of Risk Management.

d. **Is an Employee Involved?** – You must select **Yes** or **No**.

e. **Employee Name** – If an employee was involved, you will enter their name here. If not, you can leave this field blank.

f. **Type of Claim** – Select **Tort Claims** from the drop-down list.

g. **Organization** – Select the State Agency from the drop-down list that the Claim involves. Be as specific as possible if there are different Divisions or Locations under a Department.

h. **Loss Date** – Enter the date of occurrence that is listed on the Claim form.

i. **Incident Description** – Enter a brief description of what the Claimant is alleging.

j. **Send to Agency?** – Select **Yes** as the Claim will be forwarded to a State Agency for investigation.

k. **Claim Stage** – Select **3 - Pending Agency Recommendation**.

l. **Claim Amount** – Enter the total amount that the Claimant is requesting on the Claim form.

m. **Adjuster** – Select your name from the drop-down list.

Life of the Claim Category

n. **Claim Description** – Enter the date that the Claim is being opened.

o. **Acknowledgement Letter** – Enter the date that the Acknowledgement Letter is being sent to the Claimant (this should be the same date that you are opening the claim).

p. **Sent to Agency** – Enter the date that you are forwarding the Claim to the State Agency for investigation (this should be the same date that you are opening the claim).

Claimant Category

q. **Address/Claimant Address 1** – Enter the street/mailing address for the Claimant. This is where all correspondence will be mailed to if the Claimant is not represented by an Attorney.

r. **Address/Claimant City** – Enter the city for the Claimant's mailing address.

s. **Address/Claimant State** – This field defaults to Nebraska (NE), if the state for the Claimant's mailing address is not NE, update this field to the appropriate state.

t. **Address/Claimant Postal Code** – Enter the zip code for the Claimant's mailing address.

u. **Claimant Email** – Enter the Claimant's email address.

v. **Attorney Email** – If the Claimant has an attorney, enter the attorney's email here.

w. **State Employee** – Select **Yes** if the Claimant is an employee of the State of Nebraska, select **No** if not.

x. **On Duty** – Select **Yes** if the Claimant is an employee of the State of Nebraska who was working at the time of the alleged incident. Select **No** if the State employee

was not working at the time of the alleged incident, or if the Claimant is not a State employee.

y. **Inmate Number** – If the Claimant is an inmate with the Nebraska Department of Correctional Services, enter their inmate number here.

z. **Claimant Phone Number** – Enter the Claimant's primary phone number here.

Attorney Information Category

aa. **Is the Claimant Represented by an Attorney?** – Select **Yes** if the Claimant has listed an Attorney on the Claim form or if a Letter of Representation was submitted with the Claim. Select **No** if there is no Attorney information. If you select **No** for this question, none of the remaining **Attorney Information** fields need to be completed.

bb. **Attorney Address 1** – Enter the mailing address for the Attorney. This is where all correspondence will be mailed to if the Claimant is represented by an Attorney.

cc. **Attorney City** – Enter the city for the Attorney's mailing address.

dd. **Attorney State** – This field defaults to Nebraska (NE), if the state for the Attorney's mailing address is not NE, update this field to the appropriate state.

ee. **Attorney Postal Code** – Enter the zip code for the Attorney's mailing address.

ff. **Attorney Phone Number** – Enter the Attorney's phone number.

gg. **Attorney Email** – Enter the Attorney's email address.

5. When all of the above listed fields have been completed select **Save Record** on the top right-hand side of the **General Claims** tab. This will generate a Claim number (ex. 1234-12345). Enter the Claim number in the box labeled **FOR OFFICE USE ONLY** on the top right-hand corner of the Claim form (this can be done in Adobe if the Claim form was received electronically or can be written in if the Claim form was received in the mail or dropped off).

6. If the Claim was received as a paper file, scan a copy of the Claim form and any supporting documents to yourself. You will now save the Claim form and any supporting documents in your designated Claim Documents folder on the W drive. The naming format should be the last five digits of the Claim number and Claim (ex. 12345 Claim).

7. Now you will generate an Acknowledgement Letter to mail to the Claimant. Select the

    icon on the top right-hand side of the **General Claims** tab in RiskConsole. Select **Templates**, this will open a window in the middle of the screen.

8. Select **ACK-Tort & Misc Claim** from the drop-down list. Select **Save**.

9. Open the template and select **Enable Editing**. Review the letter to make sure it has been populated correctly. Delete the verbiage that does not relate to your Claimant (NON-DCS Claimants Only or DCS Claimants Only). Acknowledgement Letters do not have to be signed by the State Risk Manager—replace the Risk Manager's name and title with your own as you will sign this letter.

10. When all necessary changes have been made to the Acknowledgement Letter, print the letter, sign it, and then scan a copy of it to yourself. Put the letter in the outgoing mail to be sent to the Claimant or Attorney.

11. Save the Acknowledgement Letter in your designated Claim Documents folder on the W drive. The naming format should be the last five digits of the Claim number and Ack Ltr (ex. 12345 Ack Ltr).

12. Next you need to email the Claim to the appropriate State Agency for investigation. A list of Agency contacts for use with Tort Claims can be found on the W drive: W:\SOPs - Standard Operating Procedures. The list is titled RM Agcy Contacts for use with claims.

13. Start a new email.
    a. Enter the email address for the Agency contact(s) that the claim needs to be sent to.
    b. The email subject should read "New Claim 1234-12345 | John Smith".
    c. The email body should read "Attached are the Claim and Acknowledgement Letter for 1234-12345 | John Smith. Please let me know if you have any questions."
    d. Attach the Claim form (with any supporting documents) and the Acknowledgement Letter to the email.
    e. If the Claim form or any of the supporting documents have personally identifiable information (PII) you **MUST** encrypt the email before sending it.
    f. Once your email is complete and all the appropriate documents have been attached, send the email to the Agency contacts.

14. When the email has been sent, you will need to save a copy of it in PDF format.
    a. Go to your **Sent Items** in your email.
    b. Open the notification email that you just sent to the Agency contacts.
    c. Press Ctrl + P to open the print screen.
    d. Select **Adobe PDF** as your printer, and press **Print**. This will open a new window for you to save the PDF.
    e. Save the PDF in your designated Claim Documents folder on the W drive. The naming format should be the last five digits of the Claim number and Notification (ex. 12345 Notification).

15. Next you need to upload all the Claim documents in RiskConsole and create journal entries. You will add at least four journal entries when you have opened a claim (sometimes more in special circumstances).
    a. Go to the **Journal** tab in the Claim.
    b. Select **Add** on the top right-hand corner of the screen. This will open a new tab for you to type your entry and attach the Claim documents.
    c. Select the ⧉ button next to the **Correspondence File** field. This will open a window for you to find your Claim documents.
    d. When you have located the appropriate Claim document for your journal entry click **Open**.

e. Click the 🔼 button next to the **Correspondence File** field. This will save the Claim document to the journal entry.

f. Enter a description for the document you uploaded in the **File Description** field (ex. Claim; Acknowledgement Letter; Notification to Agency).

g. For each journal entry you will need to select the **Type** from the drop-down list, type the corresponding information in the **Text** box, and enter the appropriate date in the **Start Date** field.

h. When you have completed your journal entry, select **Save Record** on the top right-hand side of the screen.

i. Close the **Journal** tab at the top of the page. This will take you back to the journal section in the claim.

j. Below are the journal entries you will make when opening a claim:

   i. For your first journal entry, upload the Claim form and supporting documents in the **Correspondence File** field and enter the **File Description** as "Claim". Select **Claimant Description/Information** from the **Type** drop-down list. In the **Text** box, you will enter the same information that you put in the **Incident Description** field from the **General Claims** tab. Enter the date you are opening the Claim in the **Start Date** field.

   ii. For your second journal entry, upload the Acknowledgement Letter in the **Correspondence File** field and enter the **File Description** as "Acknowledgement Letter". Select **Acknowledgement Letter** from the **Type** drop-down list. In the **Text** box you will enter "Sent acknowledgement letter to Claimant." Enter the date you are sending the acknowledgement letter to the Claimant in the **Start Date** field (this should be the same date that you are opening the claim).

   iii. For your third journal entry, upload the Notification email in the **Correspondence File** field and enter the **File Description** as "Notification to Agency". Select **Sent to Agency** from the **Type** drop-down list. In the **Text** box you will enter "Notified agency of new claim." Enter the date you are notifying the Agency of the new claim in the **Start Date** field (this should be the same date that you are opening the claim).

   iv. For your fourth journal entry you do not need to upload any documents. Leave the **Type** as **Note**, and in the **Text** box you will enter "Verified all attachments open." Enter the date that you verified all of the attachments opened in the **Start Date** field.

Once the above steps have all been completed your claim has been opened successfully.

Standard Operating Procedure:
How to Process Agency Recommendations

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Risk Management

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Once a Tort Claim has been investigated by the appropriate State Agency, they will send an Agency Recommendation to the Office of Risk Management. The Agency Recommendation must be processed by Risk Management Staff within seven business days of its receipt, and the State Risk Manager must be notified once the Agency Recommendation has been processed.

Each recommendation is different, and may require additional or different steps. Always ask questions if you are unsure about something.

The following information is a step-by-step guide on how to process recommendations.

1. When an Agency Recommendation is received, you will save it in your designated Agency Recommendations folder on the W drive. The naming format should be the last five digits of the Claim number and Ag Rec (ex. 12345 Ag Rec).

2. Go to the RiskConsole website and log-in with your user name and password.

3. Once you are logged in to RiskConsole, hover over the **Records** drop-down on the top right side of the screen.

4. Under the **Other** section, select **Quick Search**. This will open a new tab labeled **Quick Search**.

5. Enter the last five digits of your claim number in the **Claim Number Contains** search field (ex. 12345) and press enter on your keyboard, or click **Run** on the top right hand side of the tab.

6. The search results will generate on the bottom half of the screen. Select the claim you are working on from the search results by clicking on it. This will open a new tab labeled **Claim**.

7. Under the **Claim Category**, you will update the **Claim Stage** drop down to "**4 – Pending Risk Manager Recommendation**".

8. Under the **Life of the Claim Category**, type the date that you are entering the Agency Recommendation into the **Agency Recommendation Entered** field.

9. Under the **Life of the Claim Category**, type the date that the Agency Recommendation was received by the Office of Risk Management in the **Agency Recommendation Received** field.

10. Click **Save Record** on the top right hand side of the **Claim** tab.

11. Go to the **Journal** tab.

12. Select **Add** on the top right-hand corner of the screen. This will open a new tab for you to type your entry and attach the Agency Recommendation**.**

13. Select the button next to the **Correspondence File** field. This will open a window for you to find your Claim document.

14. Select the **Agency Recommendation** file that you saved on the W drive (ex. 12345 Ag Rec) and click **Open**.

15. Click the button next to the **Correspondence File** field. This will save the Claim document to the journal entry.

16. Enter "Agency Recommendation" in the **File Description** field.

17. Select the **Type** drop-down list and click the "Agency Recommendation" option.

18. In the **Text** box you will enter a summary of the Agency Recommendation.
    a. Approval example: Agency recommends approval of this claim for $100.00 as the State was the at-fault party.
    b. Denial example: Agency recommends denial of this claim as the Claimant failed to provide adequate proof that the State was at-fault.

19. Enter the date you are completing the Agency Recommendation in the **Start Date** field.

20. Select **Save Record** on the top right-hand side of the screen and then close the **Journal** tab.

21. Next you will need to email the State Risk Manager to let them know the claim is ready for their recommendation.
    a. Start a new email.
    b. Enter the email address for the State Risk Manager in the "To…" field.
    c. The email subject should read "RM Recommendation Needed".
    d. The email body should read "The following claim(s) are ready for your recommendation: 1234-12345 | John Smith"
    e. Tag the email as high importance, .
    f. Send the email to the State Risk Manager.

Once the above steps have all been completed, your Agency Recommendation has been successfully processed.