

## OCTOBER 2019 SUBROGATION NEWSLETTER

### War Hazard Compensation Act Reimbursement Claims

The War Hazards Compensation Act (WHCA) applies to U.S. employees and government contractors that perform work overseas who are injured as a result of hostile actions. The statute provides procedures and requirements which, if done properly, allow the employer or carrier to seek 100% reimbursement, including allocated and unallocated expenses - not from a responsible tortfeasor, but the government itself. [Read More....](#)



### Insurance Commissioner Overreached In Applying Made Whole Doctrine To Health Insurance Subrogation



For years, the publication of Directive Number 175, issued by the 2003 Louisiana Insurance Commissioner, prevented many insurers from successfully pursuing subrogation claims in Louisiana. However, a recent Court of Appeals' ruling held that policy terms that disclaim the Made Whole Doctrine are enforceable despite the public opinion of the Louisiana Insurance Commissioner. [Read More....](#)

### South Dakota Supreme Court Invents Policy Ambiguity, Denies Med Pay Subrogation

The first U.S. liability car insurance policy was written in 1898. You would think that with such a long and storied history, the typical auto insurance policy would have evolved to the point of addressing every potential scenario and eliminating any conceivable ambiguity. However, on May 29, 2019, the South Dakota Supreme Court concocted a policy ambiguity with the clear intent to thwart legitimate rights of subrogation. [Read More....](#)



### MWL Speakers Featured At NASP Conference In Washington, D.C.



The 2019 National Association of Subrogation Professionals (NASP) Annual Conference will be held October 27 – 30 in Washington, D.C. Its lineup of speakers and topics is very good, as usual. MWL will have many experienced subrogation lawyers there who will be moderating, presenting, or speaking at the conference. [Read More....](#)

### Verdicts and Settlements

**Ashton Kirsch** recovered \$140,000 on a complex MCS-90 reimbursement claim asserted against the errors and omissions carrier for the insured's agent. Kirsch worked with the insured trucking company to identify basis for non-coverage and determined the agent failed to appropriately list a vehicle with the underwriter. Kirsch litigated and settled on behalf of the trucking company, seeking recovery for tractor damage associated with a vehicle accident. The adverse carrier initially denied coverage claiming their insured had cancelled coverage the morning of the accident. Kirsch obtained a supportive affidavit from the defendant driver and filed suit against the defendant driver and adverse carrier, who then made the decision to settle this case for the full value of damages rather than litigate coverage and liability issues.



### Time Travel For The Insurance Industry

See [HERE](#) for a provocative 60-second video explaining why Matthiesen, Wickert & Lehrer views the handling of your subrogation claims - large and small - as time travel for the insurance industry. We help turn back the hands of time and attack the enemy of our industry - claims - utilizing our experience and expertise. Check it out!



### Join MWL's LinkedIn Subrogation Support Network Group!

We welcome you to join our LinkedIn **Subrogation Support Network** Group! It is a community managed by Matthiesen, Wickert & Lehrer, S.C., that offers insurance professionals a place to interact, discuss subrogation insurance-related topics and issues, ask subrogation questions, and keep abreast of new developments and/or changes in the subrogation law for all 50 states. If you would like to join this LinkedIn group, please click [HERE](#).

### We Are Social | Follow Us

We are asking our clients and friends to help us expand our social media presence by following our firm's [LinkedIn](#), [Facebook](#), [Twitter](#), and [YouTube](#) pages. The legal face of insurance litigation in our industry seems to change almost daily. Following our social media pages will assist you in keeping up-to-date and informed on developments and changes in the law that effect the industry, which is key to obtaining the best results.

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