

Information & Assistance Unit guide 16(B)

How to serve your employer in an Uninsured Employers Benefits Trust Fund case

You must complete and make copies of certain documents and forms when filing an **Uninsured Employers Benefits Trust Fund (UEBTF)** (see I&A guide 16). These documents must be served on your employer in order for the [Workers' Compensation Appeals Board \(WCAB\)](#) to handle your claim. When completing the forms, take special care to correctly name your employer. See I&A guide 16(A) for more information on naming your employer.

You must also make sure your employer knows about your claim. The correct way to do this is called "service of process." Serving your employer means giving them a copy of the special notice of lawsuit, application for adjudication of claim, order of joinder, proof of service and other documents listed in I&A guide 16. This step is necessary to move forward with your claim. **You cannot do this yourself.**

There are several legal ways to serve your employer:

- Service by a law officer: This means using the marshal or sheriff's office to serve your employer. You can find your local law enforcement office by looking in the phone book. You will be charged a fee.
- Service by process server: This means using someone other than yourself who is 18 years or older and not a party to your case to serve your employer. The process server must personally give a copy of your claim documents to your employer. The individual employer, a partner, a corporate officer, an agent for service process, a general manager, or any individual or entity authorized to receive service of process can be served using this method. The process server must also sign a "proof of personal service" form showing when your employer was served. Commercial process servers will charge a fee. You can also ask a friend or relative to do it.
- Using substituted service: This means serving someone other than your employer. You must follow procedures carefully if you use this method. The person served must be someone authorized to accept service -- not just anyone. The document package must be left with a competent member of the household who is 18 years or older, or a person who is in charge at your employer's place of business. The process server must tell the person being served what the document package is for. A copy of the documents must also be mailed, first class, to the employer at the address where the documents were left. The service will not be complete until 10 days after the copies are mailed to the employer.
- Mail and acknowledgement service: This means mailing copies to the

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person or corporation being served. Attach a return receipt or other evidence of actual delivery to the person being served.

- Service by publication: This is a last resort. Generally you must show a workers' compensation judge you have exhausted all available information sources before this kind of service is considered acceptable.

You can learn more about serving your employer from the Department of Consumer Affairs. See their Web site at www.dca.ca.gov/legal. You can also get more information from your county small claims court office.

If you need help call an Information and Assistance (I&A) office or attend a workshop for injured workers. The local I&A phone numbers are attached to this guide. You can get information on a local workshop from the I&A office or on the Web at www.dir.ca.gov/dwc.

The information contained in this guide is general in nature and is not intended as a substitute for legal advice. Changes in the law or the specific facts of your case may result in legal interpretations different than those present here.

When sending documents to a district office, please make sure they are not folded or stapled. Send them in a large manila envelope. Please see the EAMS OCR forms handbook for further instructions.

WORKERS' COMPENSATION APPEALS BOARD DISTRICT OFFICES

ANAHEIM, 92806-2131

1065 N PacificCenter Drive, Suite 170
Information & Assistance Unit (714) 414-1800

BAKERSFIELD, 93301-1929

1800 30th Street, Suite 100
Information & Assistance Unit (661) 395-2514

EUREKA, 95501-0481 * Satellite office *

100 "H" Street, Suite 202
Information & Assistance Unit (707) 441-5723

FRESNO, 93721-2219

2550 Mariposa Street, Suite 4078
Information & Assistance Unit (559) 445-5355

LONG BEACH, 90802-4339

300 Oceangate Street, Suite 200
Information & Assistance Unit (562) 590-5240

LOS ANGELES, 90013-1105

320 W 4th Street, 9th Floor
Information & Assistance Unit (213) 576-7389

MARINA DEL REY, 90292-6902

4720 Lincoln Boulevard, 2nd and 3rd floors
Information & Assistance Unit (310) 482-3858

OAKLAND, 94612-1499

1515 Clay Street, 6th Floor
Information & Assistance Unit (510) 622-2861

OXNARD, 93030-7912

1901 N Rice Avenue, Suite 100
Information & Assistance Unit (805) 485-3528

POMONA, 91768-1653

732 Corporate Center Drive
Information & Assistance Unit (909) 623-8568

REDDING, 96002-0940

250 Hemsted Drive, 2nd Fl, Ste. B
Information & Assistance Unit (530) 225-2047

RIVERSIDE, 92501-3337

3737 Main Street, Suite 300
Information & Assistance Unit (951) 782-4347

SACRAMENTO, 95834-2962

160 Promenade Circle, Suite 300
Information & Assistance Unit (916) 928-3158

SALINAS, 93906-2204

1880 N Main Street, Suites 100 & 200
Information & Assistance (831) 443-3058

SAN BERNARDINO, 92401-1411

464 W Fourth Street, Suite 239
Information & Assistance Unit (909) 383-4522

SAN DIEGO, 92108-4424

7575 Metropolitan Drive, Suite 202
Information & Assistance Unit (619) 767-2082

SAN FRANCISCO, 94102-7014

455 Golden Gate Avenue, 2nd Floor
Information & Assistance Unit (415) 703-5020

SAN JOSE, 95113-1402

100 Paseo de San Antonio, Suite 241
Information & Assistance Unit (408) 277-1292

SAN LUIS OBISPO, 93401-8736

4740 Allene Way, Suite 100
Information & Assistance Unit (805) 596-4159

SANTA ANA, 92701-4070

605 W Santa Ana Boulevard, Bldg 28, Suite 451
Information & Assistance Unit (714) 558-4597

SANTA BARBARA, 93101-7538 * Satellite office *

130 E Ortega St.
Information & Assistance Unit (805) 568-1390

SANTA ROSA, 95404-4771

50 "D" Street, Suite 420
Information & Assistance Unit (707) 576-2452

STOCKTON, 95202-2314

31 E Channel Street, Suite 344
Information & Assistance Unit (209) 948-7980

VAN NUYS, 91401-3370

6150 Van Nuys Boulevard, Suite 105
Information & Assistance Unit (818) 901-5374