Subrogation Investigation Checklist

A vendor-neutral fact-development checklist for identifying potential third-party responsibility, preserving evidence, and organizing early subrogation investigation.

Subrogation opportunities are often lost before liability is decided - when evidence disappears, witnesses scatter, or the right questions are never asked.

1. Recognize possible third-party involvement early

- [ ] **A non-employer person or entity may have contributed**
  Identify contractors, property owners, drivers, manufacturers, vendors, utilities, public entities, or other potentially involved parties.
- [ ] **The mechanism suggests a premises, vehicle, product, equipment, or contractor issue**
  Do not wait for liability to be established before identifying potentially relevant evidence.
- [ ] **Multiple entities controlled the work, location, equipment, or condition**
  Map who owned, operated, maintained, supervised, installed, repaired, or controlled the relevant instrumentality or site.
- [ ] **The available facts support a causation question worth developing**
  State the factual theory to investigate without making a legal conclusion.

2. Protect time-sensitive evidence

- [ ] **Scene condition documented or preservation considered**
  Photos, measurements, diagrams, surveillance footage, and physical conditions can change quickly.
- [ ] **Product, equipment, or component preserved when material**
  Avoid alteration, disposal, repair, or destructive testing before appropriate preservation and expert/legal review.
- [ ] **Vehicle or electronic data considered**
  When relevant and lawful, identify whether event data, telematics, camera footage, or other electronic evidence may exist.
- [ ] **Witness identity and contact pathway developed**
  Identify people with direct knowledge before memories fade or employment relationships change.
- [ ] **Contracts, work orders, permits, and ownership records identified**
  These records may help clarify control, duties, project relationships, or the sequence of work.

3. Develop the liability facts - not just the injury facts

- [ ] **Ownership and control developed**
  Who owned, controlled, operated, maintained, or had responsibility for the location, equipment, vehicle, or condition?
- [ ] **Creation of the condition investigated**
  Identify who performed the work, made the change, caused the hazard, supplied the product, or set the relevant process in motion.
- [ ] **Notice or knowledge facts developed**
  Determine what potentially responsible parties knew, observed, inspected, reported, or should be evaluated further.
- [ ] **Sequence of events reconstructed**
  Build the timeline immediately before, during, and after the event using independent sources where possible.
- [ ] **Allocation questions preserved for the appropriate decision-maker**
  Document factual contributions by the involved parties without making unsupported legal apportionment conclusions.

4. Records and evidence checklist

- [ ] **Incident, safety, or internal reports**
  Obtain or identify reports created by employers, property owners, contractors, police, regulators, or other involved entities as appropriate.
- [ ] **Inspection, maintenance, repair, and service records**
  Look for records that may establish condition, notice, repair history, or responsibility.
- [ ] **Contracts, scopes of work, purchase orders, and insurance documents**
  Identify contractual relationships for claims/legal evaluation without interpreting legal effect beyond the assignment.
- [ ] **Permits, plans, diagrams, specifications, or product information**
  Use technical and public records when they may clarify configuration, standards, ownership, or work performed.
- [ ] **Photos, video, recordings, and digital evidence**
  Preserve metadata and original-source material when available.

5. Investigation sequencing

- [ ] **Start with evidence at greatest risk of disappearing**
  Scene conditions, video, physical components, and witness availability may deserve priority over slower record development.
- [ ] **Interview independent witnesses early when feasible**
  Contemporaneous, independent accounts can help frame later record requests and technical questions.
- [ ] **Use records to test and corroborate accounts**
  Documents should clarify facts rather than merely add volume to the file.
- [ ] **Consider technical expertise when causation is specialized**
  Engineering, reconstruction, fire, product, equipment, or other expert analysis may be needed when the factual issue exceeds ordinary investigation.
- [ ] **Escalate complex or time-sensitive issues**
  Government entities, catastrophic injury, fatality, product/equipment failure, multiple contractors, active litigation, evidence-preservation disputes, or legal/contractual deadlines may warrant prompt claims/legal review.

Potential third party / entity to evaluate:

Evidence at greatest risk of loss:

Primary causation question:

Immediate next investigative step:

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