

STATE OF MINNESOTA
WORKERS' COMPENSATION COURT OF APPEALS

IN RE RULES GOVERNING MATTERS BEFORE THE
WORKERS' COMPENSATION COURT OF APPEALS

STATEMENT OF
NEED AND REASONABLENESS

Laws of Minnesota 1981, Ch. 346, § 42, created the Workers' Compensation Court of Appeals as an independent agency in the executive branch of Minnesota state government.

Laws of Minnesota 1981, Ch. 346, § 48, subd. 4 provides: "Workers' Compensation Court of Appeals shall prescribe rules of practice before it in appellate matters."

The rules outlined herein are prescribed under the authority of the above cited statute.

Rule by Rule Analysis.

Rule 8 MCAR § 5.001 Definition.

Clarification of the use of the term "court" in these rules in order that the reader of the rules is not confused.

Rule 8 MCAR § 5.002 Examination of Files.

Specifies needed requirements for inspection of files in the Workers' Compensation Court of Appeals custody so as to protect privacy and confidentiality rights of the parties.

Rule 8 MCAR § 5.003 Preparation and Form of Legal Documents.

Provides uniformity in submission of documents for convenience in handling and filing and to conform to the rules of the Minnesota Supreme Court.

Rule 8 MCAR § 5.004 Temporary Orders.

Specifies content of temporary orders to facilitate handling and to conform to the practices of the Workers' Compensation Division and the Office of Administrative Hearings.

Rule 8 MCAR § 5.005 Continuances and Extensions.

Specifies the basis for and the time limitations for obtaining additional time to submit documents or have hearings before the Workers' Compensation Court of Appeals. This is necessary to make allowances for unforeseeable scheduling problems.

Rule 8 MCAR § 5.006 Notice of Settlement.

Provides for notice to the Workers' Compensation Court of Appeals of settlements in order to reduce or eliminate loss of hearing time before the court.

Rule 8 MCAR § 5.007 Stipulation for Settlement.

Specifies content of stipulations of settlement to facilitate handling and to conform to the practices of the Workers' Compensation Division and the Office of Administrative Hearings.

Rule 8 MCAR § 5.008 Appeal of Attorney Fees by an Employee.

To assist employees who are not legally trained in obtaining a fair hearing regarding attorney fees.

Rule 8 MCAR § 5.009 Briefs on Appeal.

To clarify and facilitate the hearing appellate process between the

Office of Administrative Hearings and the Workers' Compensation Court of Appeals and to specify the time requirements for filing briefs. These time requirements are necessary to insure timely hearings of appellate matters.

Rule 8 MCAR § 5.010 Hearings on Appeal.

To eliminate setting of hearings and delay of determinations when the parties do not wish a hearing. Sets time limitations for oral argument so as to promote orderly disposition of appealed matters.

Rule 8 MCAR § 5.011 Application to Set the Award Aside or Grant a New Hearing.

Specifies content of petitions to set aside awards or for new hearings so as to facilitate the disposition of appealed matters before the Workers' Compensation Court of Appeals. Further provides for methods of service of documents to insure proper notice to all parties.

Rule 8 MCAR § 5.012 Writ of Certiorari.

Provides for the filing of additional copy of transcripts to comply with the rules of the Supreme Court.

Rule 8 MCAR § 5.013 Second Injury Law.

Provides for specific additional impairments deemed properly registerable with the second injury fund by the Workers' Compensation Court of Appeals pursuant to M.S. 176.131, subd. 8 clause (p).

Rule 8 MCAR § 5.014 Motion.

Provides for handling of other matters not more specifically provided for in these rules so as to guide the parties involved and facilitate handling before the Workers' Compensation Court of Appeals.

Rule 8 MCAR § 5.015 Repealer

Disposes of prior rules upon the implementation of these rules so as to avoid duplication and confusion concerning practice before the Workers' Compensation Court of Appeals.