

W.C.
1975

BIENNIAL REPORT
OF THE
W. C. COMMISSION
JULY 1, 1972 TO JUNE 30, 1974

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STATE OF MINNESOTA

WORKMEN'S COMPENSATION COMMISSION

Biennial Report -- July 1, 1972 to June 30, 1974

The Workmen's Compensation Commission consists of three Commissioners, each appointed by the Governor for a term of six years, with the advice and consent of the senate. The terms of the Commissioners expire at two year intervals. The present members of the Commission and their dates of appointments are as follows:

James Pomush, July 1, 1969
Bernard Dinner, September 1, 1971
Charles C. Reischel, November 8, 1973.

The Workmen's Compensation Commissioners previously administered the Workmen's Compensation Law of Minnesota as well as other Divisions of the Industrial Commission. Effective July 1, 1967 the Industrial Commission was abolished and the Department of Labor and Industry created under the supervision of a Commissioner of Labor and Industry who supervised and administered all other departments formerly under the Industrial Commission with the exception of the Division of Workmen's Compensation which remained under supervision, administration and control of the Workmen's Compensation Commission. By Chapter 388, Laws of Minnesota 1973 the Division of Workmen's Compensation as of May 19, 1973 was created by statute within the Department of Labor and Industry for the purposes of administering the Workmen's Compensation Law, and the Workmen's Compensation Commission was established as a separate appellate tribunal. Thus the Commissioners of the Workmen's Compensation Commission were left with only appellate jurisdiction and rule making powers.

DUTIES OF THE COMMISSION

In addition to prescribing rules of practice and procedure in cooperation with the Commissioner of the Department of Labor and Industry, the Commission as a body hears cases which are appealed from the findings and determination of the compensation judges. It also, among other duties, considers and acts on:

- appeals from orders or motions of the compensation judges or of the Workmen's Compensation Division
- petitions to vacate awards or decisions
- petitions to take additional testimony
- petitions for reargument
- stipulations for settlements where a hearing on appeal is waived or where the matter is remanded from the Supreme Court for consideration of a stipulation for settlement.
- orders taxing necessary costs and disbursements
- orders fixing and allowing attorneys' fees
- orders of a miscellaneous nature on cases on appeal as required.

The Commission also determines benefits payable under the "Good Samaritan Law", Chapter 248, Sec. 1, Laws of Minnesota 1973. Except for review on appeal by the Supreme Court, the decisions and orders of the Commission are the final determination of the rights, duties, responsibilities and entitlement to benefits allowed or denied under the Workmen's Compensation Law of Minnesota.

Each decision made by the Commission is type-written and sets forth the ultimate facts and specific benefits allowed or denied. Each decision has attached a written opinion giving the facts of the case, the issues in dispute, the law applicable, and the rationale or reasons for the determination or decision made. A decision is prepared in rough draft by the Commissioner to whom the case is initially assigned and is then circulated to the other Commissioners. All of the Commissioners read the transcript of the recorded testimony, review the exhibits introduced in evidence, review briefs and argument of counsel, and consider the matter on the facts and the law applicable as researched by them. Each Commissioner either agrees with the circulated draft of the proposed decision, suggests modifications, or writes a separate or dissenting opinion. In other cases the Commissioners confer on the decision where necessary. The decisions are then prepared in final form and served upon the parties.

Cases which establish new law or modify existing law or precedent are printed, published and indexed, and distributed to law schools, law libraries, courts, and attorneys. Other decisions are available in mimeographed form for interested parties as well as for Compensation staff. Orders on motions and petitions are issued in similar fashion, although not generally prepared for wide distribution unless they establish new precedent or policy.

WORKLOAD OF THE COMMISSION AND PERSONNEL

The work load of the Commission is extremely heavy, as illustrated by the following comparison of decisions made:

<u>Fiscal Period</u>	<u>Appeals Filed</u>	<u>Decisions of Commission</u>
Year Ending 6/30/72	252	194
Year Ending 6/30/73	319	206
Year Ending 6/30/74	256	264

The full significance of the figures above is more evident with the information and understanding that two days per week are spent hearing appeals; only the balance of time is available for reading transcripts, reviewing exhibits, arguments and briefs of counsel, and preparing decisions, or other work of the Commission. The above figures do not reflect the Commission's consideration of 484 cases in 1973 involving petitions, motions, and settlements, with resulting decisions and orders thereon. Although exact figures are not available, the number of such matters in 1974 is estimated to have equaled or exceeded 1973 figures. Time of the Commission and its secretaries is also spent in considering, issuing, and preparing orders which allow costs and disbursements on each decision and issuing other ex parte orders which require no hearing but involve a sizable time commitment.

The legal secretarial work involved for the Commission, in maintaining files on appeal, handling correspondence and telephone calls, rough-drafting and preparing final decisions and orders of the Commission, serving decisions and orders on parties, preparing proof of service, recording data, taking dictation, and performing other general duties necessary to the Commission's activities is too heavy for the two secretaries assigned. The work load is increasing steadily as the Commission's load increases. To enable the Commission to adequately discharge its duties and responsibilities there should be at least three legal secretaries, one for each Commissioner. This has been required in accordance with the provisions of M.S. 175.101, Chapter 388, Laws of Minnesota 1973. Adequate equipment and supplies to support Commission activities have also been requested elsewhere. It is essential that these be promptly furnished to the Commission as contemplated and prescribed by the reorganization previously mentioned.