

**5229.0300 SCOPE.**

Minnesota Statutes, section 176.191, subdivision 1a, provides that equitable apportionment of liability for an injury is no longer allowed except:

A. in a settlement agreement filed pursuant to Minnesota Statutes, section 176.521; and

B. when an employer or insurer requests arbitration of equitable apportionment under Minnesota Statutes, section 176.191, subdivision 5.

This chapter applies where equitable apportionment is sought but the parties have not been able to reach the agreement described in item A. This chapter applies solely to arbitration of claims by self-insured employers or employer/insurers under Minnesota Statutes, section 176.191, subdivisions 1a and 5, including when the sole issue is a claim for partial or total contribution towards, or reimbursement of workers' compensation benefits against, one or more self-insured employers or employer/insurers. As set forth in Minnesota Statutes, section 176.191, subdivision 1a, the arbitration proceeding is for the limited purpose of apportioning liability for workers' compensation benefits payable, when liability for workers' compensation has been admitted by or adjudicated against the claiming self-insured employer or employer/insurer. Minnesota Statutes, section 176.191, subdivision 1a, provides that it is not to be interpreted to repeal or in any way affect the law with respect to the special compensation fund statutory liability or benefits. When disputed, fund liability under Minnesota Statutes, sections 176.131 and 176.132, is to be determined by workers' compensation judges and fund issues will be decided in proceedings over which they preside. These arbitration proceedings cannot bind the fund to more liability than that which was found by a judge. A self-insured employer or employer/insurer cannot request reimbursement from the special compensation fund that would exceed what has been ordered by the compensation judge at the Office of Administrative Hearings.

**Statutory Authority:** *MS s 175.17; 175.171; 176.191; 176.83*

**History:** *20 SR 2286*

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