

**5229.0500 PROCEDURE FOR INITIATION OF ARBITRATION.**

Subpart 1. **Request for arbitration.** The arbitration process must be initiated by the filing of a request for arbitration of an apportionment issue with the administrator by an aggrieved self-insured employer or employer/insurer, but shall be permitted only when the requesting party has met the requirements of Minnesota Statutes, section 176.191, subdivision 5.

A. A request must be made on a form approved by the administrator, which must include the names of the self-insured employers or employer/insurers among which equitable apportionment is sought or from which contribution or reimbursement is sought, the name and social security number of the employee, and the dates of the relevant injury or injuries.

B. The request for arbitration must be accompanied by:

- (1) a statement of the facts;
- (2) documentation that the requirements of Minnesota Statutes, section 176.191, subdivision 5, have been met;
- (3) medical evidence in support of the requested equitable apportionment;
- (4) a brief or written argument in support of the requesting party's position, including legal support;
- (5) the name of the party's desired arbitration advisor, if any;
- (6) any request for oral argument or special handling of the case; and
- (7) a nonrefundable arbitration administration fee payable to the administrator in an amount to be determined in the agreement referred to in part 5229.0410, subpart 3, that is with the administrator.

C. The requesting party must provide the administrator with copies of the request and supporting documents for the arbitrator, for each arbitration advisor, and for the administrator's records.

D. The requesting party must, at the same time as filing the request, serve copies of the request and all attached documents on each self-insured employer or employer/insurer from which equitable apportionment is sought, as well as the employee and the employee's attorney, if any.

Subp. 2. **Determining arbitration panel.** Upon receipt of the request for arbitration and after ascertaining that the requirements of Minnesota Statutes, section 176.191, subdivision 5, have been met, the administrator must start the process under part 5229.0420 for determining the panel to hear the arbitration. When the panel is determined, the

administrator must notify the arbitrator and forward copies of the request and documents to the members of the panel.

Subp. 3. **Responses to arbitration request.** Within 90 days of the administrator's receipt of a copy of the arbitration request and supporting documents, each party among which equitable apportionment is sought or from which contribution or reimbursement is sought must submit to the administrator its response to the arbitration request.

A. Responses must include:

- (1) a written brief or explanation of the party's position;
- (2) any relevant medical evidence in support of its position;
- (3) any other evidence or documentation pertinent to the case;
- (4) that party's request for oral argument or special handling, if any; and
- (5) the name of the party's desired arbitration advisor, if any.

B. The responding party must provide the administrator with copies of the response and supporting documents for the arbitrator, for each arbitration advisor, and for the administrator's records. The administrator shall forward a copy of the response and supporting documents to each party.

C. When the 90-day period following the arbitration request has passed, or when the panel is determined, whichever is later, the administrator must forward the responsive documents to the members of the panel.

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

**History:** *20 SR 2286*

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