

MINNESOTA CODE OF AGENCY RULES

RULES OF THE WORKERS' COMPENSATION COURT OF APPEALS

1982 Reprint



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WORKERS' COMPENSATION COURT OF APPEALS

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8 MCAR S 5.001 Definition. For the purpose of 8 MCAR SS 5.001-5.014 "court" means the Workers' Compensation Court of Appeals.

8 MCAR S 5.002 Examination of files. Any workers' compensation division file that is in the custody of the court may be inspected by any person only when there has been compliance with Minnesota Statutes, section 176.231, subdivisions 8 and 9 and the rules of the workers' compensation division.

8 MCAR S 5.003 Preparation and form of legal documents. Pleadings, briefs and other legal documents filed with the court shall be printed or typewritten and shall use only one side of the paper. All material shall be submitted on 8-1/2 by 11 inch paper.

8 MCAR S 5.004 Temporary orders. Temporary orders filed with the court must comply with Minnesota Statutes, section 176.191 and the rules of the workers' compensation division regarding temporary orders unless otherwise ordered by the court.

8 MCAR S 5.005 Continuances and extensions. Continuance of any hearing may be granted only upon a showing of just cause.

Failure to make timely request to the court for a continuance is grounds for denial of the continuance.

Extensions of times for filing briefs shall be granted only for cause and if made within the time for the filing of said brief. The court shall determine the requests without oral argument. Where no brief has been filed by appellant and no extension of time granted therefore, the respondent may file a brief within 50 days of the time of filing a certification of service of transcript by the Office of Administrative Hearings as required by 8 MCAR SS 5.001-5.014.

8 MCAR S 5.006 Notice of settlement. In every case which is settled prior to the filing of the court's decision immediate notice of the settlement must be given to the court.

8 MCAR S 5.007 Stipulation for settlement. Stipulations for settlement submitted to the court shall comply with Minn. Stat. S 176.521 and the rules of the workers' compensation division and the State Office of Administrative Hearings regarding stipulations of settlement unless otherwise ordered by the court.

8 MCAR S 5.008 Appeal of attorney fees by an employee. An employee dissatisfied with his attorney fees may make

application for review of the fees by completing an application form provided by the court.

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8 MCAR S 5.009 Briefs on appeal. The Office of Administrative Hearings shall file a certification with this court showing the date of service of the transcript of hearing upon the parties or their attorneys. The appellant, within 30 days from the date of said service, shall file a written brief with the court together with an affidavit stating that service of a copy of the brief has been made by the appellant upon each adverse party. Five copies of the brief shall be filed with the court where oral argument is to be made.

Any response to any brief shall be filed with the court within 20 days of the date of service of the brief to which the response is being made. The response must be accompanied by an affidavit stating that service has been made upon all opposing parties.

Upon appeal to this court where no certification of filing of transcript is required, the appellant shall have 30 days from the date of filing the notice of appeal to file a written brief. Response briefs shall be filed in accordance with the foregoing paragraph.

Briefs not timely filed shall not be considered by the court unless an extension of time for filing has been granted. No extension shall be granted except as provided in 8 MCAR SS 5.001-5.014.

8 MCAR S 5.010 Hearings on appeal. A party desiring to waive oral argument before the court shall notify the court within the time limitations for the filing of a brief.

All arguments on appeal before the court shall be limited to 15 minutes by each party unless otherwise authorized by the court.

✓ 8 MCAR S 5.011 Application to set the award aside or grant a new hearing. Applications to set an award aside or grant a new hearing shall be verified and accompanied by supporting affidavits or medical reports. Sufficient copies shall be filed with the court for service upon the other parties. The application shall state in detail the grounds that constitute the cause for granting the relief requested.

Responses and other pleadings shall be served upon all parties and filed with the court at least five days before the date of hearing on the matter.

The court may, in its discretion, act on the application without hearing or may require a hearing and further proof.

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8 MCAR S 5.012 Writ of certiorari. The party filing a writ of certiorari pursuant to Minnesota Statutes, section 176.471 shall immediately provide the court with an additional copy of any transcripts of hearings pertaining to the matter on appeal.

8 MCAR S 5.013 Second injury law. In addition to those impairments set forth in Minnesota Statutes, section 176.131, subdivision 8, the following additional impairments shall be registerable: brain tumors; Pott's disease; seizures; cancer of the bone; and leukemia.

8 MCAR S 5.014 Motions. All applications, petitions and motions for relief or consideration by the court, not otherwise provided for in 8 MCAR SS 5.001-5.014 with respect to appeals, shall be made in the following manner and within the following times, unless otherwise directed by the court:

A. Motions shall be in writing, verified, accompanied by appropriate documentation, state the relief sought, the basis therefore, and be accompanied by an affidavit of service upon all other parties affected thereby;

B. All other parties shall have a period of five days from the date of filing of service of a motion within which to file a response in writing. A reply may be filed within two days thereafter. No motions shall be considered if filed within five days of the time set for hearing on an appeal; and

C. Oral argument shall not be permitted except upon order of the court.

Repealer. Except as expressly made applicable by 8 MCAR S 5.001-5.014 the rules of practice for the Workers' Compensation Court of Appeals and the Workers' Compensation Division of the Department of Labor and Industry, WC1-WC35, are not applicable and do not govern practice before the Workers' Compensation Court of Appeals.