

**CHAPTER 9800**  
**WORKERS' COMPENSATION COURT OF**  
**APPEALS**  
**RULES OF PROCEDURE**

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**9800.0100 DEFINITIONS.**

Subpart 1. **Application.** For the purpose of parts 9800.0100 to 9800.1800, the following terms have the meanings given them.

Subp. 2. **Administrator.** "Administrator" means the judge designated by the court to receive documents filed with the court.

Subp. 3. **Appellant.** "Appellant" means all parties filing notices of appeal, including cross-appellants.

Subp. 4. **Court.** "Court" means the Workers' Compensation Court of Appeals.

Subp. 5. **Division.** "Division" means the Workers' Compensation Division of the Department of Labor and Industry.

Subp. 6. **Filed.** "Filed" means the receipt and stamping of a document by the court, division, or office.

Subp. 7. **Office.** "Office" means the state Office of Administrative Hearings.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

**9800.0200 EXAMINATION OF FILES.**

Inspection of any division file that is in the custody of the court is subject to the requirements of Minnesota Statutes, sections 176.231, subdivisions 8 and 9, and 176.138, and part 1415.0600.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

**9800.0300 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.

**Statutory Authority:** *MS s 175A.07 subd 4*

**9800.0400 TEMPORARY ORDERS.**

Temporary orders filed with the court must conform to Minnesota Statutes, section 176.191 and part 1415.2300.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

**9800.0500 CONTINUANCES OF HEARINGS.**

Subpart 1. **Continuances.** A continuance of any hearing shall be granted only upon a showing of cause. A request for a continuance must be made within five days of the filing of notice of hearing. The court shall consider later requests only upon a showing that an earlier request could not have been made.

Subp. 2. [Repealed, 10 SR 698]

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

**9800.0600** [Repealed, 10 SR 698]**9800.0700 STIPULATIONS FOR SETTLEMENT.**

Stipulations for settlement submitted to the court must meet the requirements of Minnesota Statutes, section 176.521 and part 1415.2000.

To be considered for approval, stipulations must be promptly filed with the court by a party. Where a case is settled prior to the filing of the court's decision, the appellant must immediately notify the court that a settlement has been reached.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

**9800.0800 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 pursuant to Minnesota Statutes, section 176.081, subdivision 3.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

**9800.0900 BRIEFS ON APPEAL.**

Subpart 1. **Filing of brief of appellant where a transcript is required.** The appellant shall file a written brief, which shall address only issues raised in the notice of appeal, within 30 days after the court receives the transcript. The brief shall be accompanied by an affidavit stating that service of a copy of the brief has been made by the appellant upon all other parties to the action. The original brief and four copies shall be filed with the court in cases where a hearing is to be held. Only the original shall be filed where the hearing is waived by all parties.

Subp. 2. **Filing of brief of appellant where no transcript of the proceedings is required.** Where no transcript of the proceedings is required, the appellant shall file a written brief, which shall address only issues raised in the notice of appeal, within 30 days after the filing of the notice of appeal. The brief shall be accompanied by an affidavit stating that service of a copy of the brief has been made by the appellant upon all other parties to the action. The original and four copies shall be filed with the court in cases where a hearing is to be held. Only the original shall be filed where the hearing is waived by all parties.

Subp. 3. **Filing of brief of respondent.** The brief of respondent shall be filed with the court within 20 days after the filing of the appellant's brief. The respondent's brief shall address only issues raised in the brief of the appellant and must be accompanied by an affidavit stating that service has been made upon all other parties to the action. The original and four copies shall be filed with the court in cases where a hearing is to be held. Only the original brief shall be filed where a hearing is waived by all parties.

Subp. 4. **Filing of respondent's brief where no appellant brief is filed.** If no appellant brief is filed, briefs of respondents shall be filed within 50 days after the date that the court received the transcript of the proceedings. If no transcript of the proceedings is required and no appellant brief is filed, all other parties shall

file briefs within 50 days after the date of filing of the notice of appeal. The briefs shall address only issues raised in the notice of appeal and shall be accompanied by proof of service upon all parties. The original and four copies shall be filed with the court in cases where a hearing is to be held. Only the original brief shall be filed where a hearing is waived by all parties.

**Subp. 5. Reply briefs.** Reply briefs shall be filed within ten days after the filing of the respondent's brief. They shall address only issues addressed in the respondent's brief. The original and four copies shall be filed with proof of service upon all other parties when a hearing is to be held. Only the original brief shall be filed when a hearing is waived by all parties.

**Subp. 6. Extensions.** Extensions of time for the filing of briefs shall be granted only for cause and if requested within the time for the filing of the brief. Briefs not timely filed shall not be considered by the court unless an extension of time for filing has been granted.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

#### **9800.1000 HEARINGS ON APPEAL.**

**Subpart 1. Time limits.** A hearing shall be scheduled unless it is waived by all parties as prescribed by part 9800.1600, subpart 2. Each party shall be allotted 15 minutes unless otherwise authorized by the court.

**Subp. 2. Motion pictures.** Any party desiring to show motion pictures at the hearing must so inform the court in writing within 30 days after the transcript is received by the court. This notice shall indicate the length of time necessary for viewing. The party shall furnish the necessary projection equipment on the day of the hearing. The court shall on its own motion require the showing of motion pictures when necessary for a full and fair adjudication of a case. The party in possession of the motion pictures or the party who offered them into evidence shall provide projection equipment.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

#### **9800.1100 APPLICATION TO SET AWARD ASIDE AND GRANT A NEW HEARING.**

An application to set an award aside and grant a new hearing shall be verified and accompanied by supporting affidavits or medical reports. The application shall be filed with the court and accompanied by proof of service on all parties to any award to which the application applies.

Responses and other pleadings shall be served upon all parties and filed with the court within five days after the filing of an application.

The court shall grant the application if it determines that cause exists pursuant to Minnesota Statutes, section 176.461. Applications shall be scheduled for hearing.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

#### **9800.1200 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.

**Statutory Authority:** *MS s 175A.07 subd 4*

#### **9800.1300 [Repealed, 10 SR 698]**

**9800.1400 APPLICATIONS, PETITIONS, AND MOTIONS.**

Subpart 1. **Scope.** All applications, petitions, and motions for relief or consideration by the court, not otherwise provided for in parts 9800.0100 to 9800.1800, shall be filed in the following manner and within the following times.

Subp. 2. **Procedures for filing.** Motions shall be in writing, verified, accompanied by appropriate documentation, state the relief sought, the basis therefor, and be accompanied by an affidavit of service upon all other parties to the action. No motions shall be considered if filed within five working days of the time set for hearing.

Subp. 3. **Responses.** All other parties shall have five working days after the filing of a motion within which to file a response in writing.

Subp. 4. **Replies.** A reply shall be filed within five working days after the filing of a response.

Subp. 5. **Hearings not permitted.** Hearings on applications, petitions, or motions shall not be permitted except upon order of the court.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

**9800.1500 PETITION FOR INTERVENTION.**

Subpart 1. **Scope.** Persons shall be permitted to intervene in accordance with the requirements of Minnesota Statutes, section 176.361, subdivision 1. After a petition to intervene is granted, the intervenor must appear at all scheduled hearings of the court relating to the claim unless a written stipulation signed by all parties has been filed with the court which settles all issues relating to the intervention.

Subp. 2. **Notice to potential intervenors.** Any person who may have an interest in a case must be placed on written notice of the right to petition to intervene as prescribed by part 1415.1100. A petition to intervene must be filed by the potential intervenor within 30 days of receiving notice.

Subp. 3. **Contents of petition.** The contents and format of the petition to intervene shall conform to part 1415.1200. Responses to the petition shall be filed in accordance with part 9800.1400, subpart 3.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

**9800.1600 COMMENCEMENT OF APPEALS.**

Subpart 1. **Filing notice of appeal.** An appeal is initiated by filing a notice of appeal containing the information required by Minnesota Statutes, section 176.421, subdivision 3.

A. When an appeal from a decision of a compensation judge is authorized by Minnesota Statutes, section 176.421, subdivision 4, the notice must be filed with the office within 30 days of the filing of the decision being appealed.

B. When an appeal is taken from a decision of the rehabilitation review panel under Minnesota Statutes, section 176.102 or from a decision of the medical services review board under Minnesota Statutes, section 176.103, the notice must be filed with the Office of Public Affairs at the Department of Labor and Industry within 30 days of the filing of the decision being appealed.

C. When an appeal from the decision of the commissioner is authorized by Minnesota Statutes, section 176.442, the notice must be filed with the division within 30 days of the filing of the decision being appealed.

Subp. 2. **Notification of receipt of transcript.** The court shall notify the parties of the date that the transcript was received. This notification letter shall also inquire whether the:

A. Parties desire a hearing. If so, whether parties prefer a hearing before the entire court or a three member panel.

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B. Issues in the matter on appeal are also pending before the workers' compensation court, medical services review board, or rehabilitation review panel to enable the court to consolidate the entire case.

Parties must file a response to the notification letter within ten days after the court files the notification.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

### **9800.1700 TAXATION OF COSTS AND DISBURSEMENTS.**

The court shall tax actual and necessary costs and disbursements as prescribed by Minnesota Statutes, section 176.511. Parties shall comply with the procedure in part 9800.1400 except that petitions under this part must be filed within 45 days of the filing of the final appellate decision in the main action.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*

### **9800.1800 SUSPENSION OF RULES.**

Upon a clear showing of extraordinary circumstances not contemplated by parts 9800.0100 to 9800.1700, the court may, upon petition of a party or upon its own petition five days after serving notice on the parties, suspend any requirements of parts 9800.0100 to 9800.1700. Rules implementing requirements imposed by law shall not be suspended even upon a clear showing of extraordinary circumstances.

**Statutory Authority:** *MS s 175A.07 subd 4*

**History:** *10 SR 698*