

1415.3700 ADMINISTRATIVE CONFERENCES.

Subpart 1. **Scope.** This part governs administrative conferences conducted under Minnesota Statutes, sections 176.106 and 176.239. Rehabilitation disputes are also governed by part 5220.0950.

Subp. 2. **Notice.** Unless the issue will be decided on the basis of written submissions, or unless the parties agree on a shorter notice period, the division or office must notify the parties and intervenors or potential intervenors under Minnesota Statutes, section 176.361, of the date, time, and place of the conference at least 14 days before the conference under Minnesota Statutes, section 176.106, and at least ten days before the conference under Minnesota Statutes, section 176.239. The qualified rehabilitation consultant, if one is assigned, must be notified of a rehabilitation conference. The special compensation fund must be notified of all administrative conferences where the fund is reimbursing benefits to an insurer or self-insurer under Minnesota Statutes 1990, section 176.131, or Minnesota Statutes 1994, section 176.132, or a claim has been made under the above referenced statutes against the fund for benefits by any of the parties, or the fund is paying benefits under Minnesota Statutes, section 176.191. The notice must include the statutory authority to hold the conference and indicate whether issues from another petition or request form have been joined for consideration at the conference.

Subp. 3. **Appearances.** All parties, and the qualified rehabilitation consultant if the conference is conducted under Minnesota Statutes, section 176.106, concerning rehabilitation services, must be given notice and the opportunity to attend administrative conferences or, at their option, to present documents on their behalf. A potential intervenor may attend the conference. Intervenors are required to appear as provided in part 1415.1250, subpart 2, and Minnesota Statutes, section 176.361, subdivision 4. A party may be represented by an attorney. The employee and insurer, or designated person having authority to act on behalf of the party regarding the matter in dispute, is required to attend an administrative conference under Minnesota Statutes, section 176.239, unless health reasons, distances, or other good cause prevents attendance. If absent because of distance, the employee and insurer or authorized designee of the employee and insurer must be available by telephone at the scheduled conference time.

Subp. 4. **Information considered.** The presiding official shall permit the parties to present their positions and reports or other documents or information relevant to the issues involved. Reasonable opportunity for parties to refute statements or other information submitted must be allowed. Copies of documents submitted must be simultaneously supplied to the other parties.

Subp. 5. **Concurrent litigation.** When the same or a nearly identical issue in the same case is pending with the office, the Workers' Compensation Court of Appeals, or another

court, the division must decline to issue a decision and defer to the office or court if issuing a decision will result in an inconsistent determination.

Subp. 6. **Continuance.** Continuances are disfavored and will be granted only upon a showing of good cause for the inability or failure to appear at a conference. Good cause generally means that circumstances beyond the control of the party or party's representative prevent attendance at the scheduled time.

Subp. 7. **Intervenors.** If, at the time of the conference, the division or office determines that a potential intervenor has not been notified of the conference, the conference must be canceled or continued, the parties may enter into an agreement which does not compromise the rights of the potential intervenor, or the division or office must issue a decision which does not compromise the rights of the potential intervenor.

Subp. 8. **Testimony cost.** The division shall not order reimbursement of costs for testimony at an administrative conference.

Subp. 9. **Administrative conference documents.**

A. Documents submitted to the office during an administrative conference are not maintained in the permanent division file. A party desiring to file an administrative conference document in the permanent division file must file the document with the division.

B. A party submitting a document to be considered at a conference scheduled to be conducted at the office by video technology must prefile the document with the office at the location of the judge at least one full business day before the conference date. Mailed or delivered documents to be considered at the video conference must be placed in a separate, sealed envelope and marked with the name and date of the case and the employee's file number, and must be identified as conference documents of the submitting party. Faxed documents may not exceed 15 pages and must be clearly marked as video conference documents for immediate hand delivery to the judge; must include the name and file number of the employee and the date of the conference; and must identify the submitting party. An adverse party must also receive the documents for a video conference at least one full business day before the conference date.

Subp. 10. **Resolution forum.** Administrative conferences concerning rehabilitation issues are conducted by the division unless the division refers the matter to the office. Administrative conferences concerning the discontinuance of benefits under Minnesota Statutes, section 176.239, are conducted by the office. Administrative conferences concerning medical disputes are conducted by the division under this part and part 1415.3800 unless the division refers the matter to the office. Administrative conferences concerning medical disputes referred by the division to the office are conducted informally by the office under this part and part 1415.3800, or more formally in a hearing pursuant to part 1420.2900. Except where the insurer is disputing that the injury arose out of and in

the course of employment, a claim petition containing only medical or rehabilitation issues shall be resolved by the division unless the division refers the matter to the office.

Statutory Authority: *MS s 14.51; 175.17; 175.171; 176.081; 176.155; 176.231; 176.285; 176.312; 176.361; 176.83*

History: *29 SR 1448*

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