

8 MCAR 5

4-21-82

1 Workers' Compensation Court of Appeals

2

3 Adopted Rules Governing Rules of Procedure for the Workers'
4 Compensation Court of Appeals (8 MCAR SS 5.001-5.014)

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6 Rules as Adopted

7 8 MCAR S 5.001 Definition. For the purpose of 8 MCAR SS
8 5.001-5.014 "court" means the Workers' Compensation Court of
9 Appeals.

10 8 MCAR S 5.002 Examination of files. Any workers' compensation
11 division file that is in the custody of the court may be
12 inspected by any person only when there has been compliance with
13 Minn. Stat. S 176.231, subds. 8 and 9 and the rules of the
14 workers' compensation division.

15 8 MCAR S 5.003 Preparation and form of legal documents.
16 Pleadings, briefs and other legal documents filed with the court
17 shall be printed or typewritten and shall use only one side of
18 the paper. All material shall be submitted on 8-1/2 by 11 inch
19 paper.

20 8 MCAR S 5.004 Temporary orders. Temporary orders filed with
21 the court must comply with Minn. Stat. S 176.191 and the rules
22 of the workers' compensation division regarding temporary orders
23 unless otherwise ordered by the court.

24 8 MCAR S 5.005 Continuances and extensions. Continuance of any
25 hearing may be granted only upon a showing of just cause.

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

28 Extensions of times for filing briefs shall be granted only
29 for cause and if made within the time for the filing of said
30 brief. The court shall determine the requests without oral
31 argument. Where no brief has been filed by appellant and no
32 extension of time granted therefore, the respondent may file a
33 brief within 50 days of the time of filing a certification of
34 service of transcript by the Office of Administrative Hearings

1 as required by 8 MCAR SS 5.001-5.014.

2 8 MCAR S 5.006 Notice of settlement. In every case which is
3 settled prior to the filing of the court's decision immediate
4 notice of the settlement must be given to the court.

5 8 MCAR S 5.007 Stipulation for settlement. Stipulations for
6 settlement submitted to the court shall comply with Minn. Stat.
7 S 176.521 and the rules of the workers' compensation division
8 and the State Office of Administrative Hearings regarding
9 stipulations of settlement unless otherwise ordered by the court.

10 8 MCAR S 5.008 Appeal of attorney fees by an employee. An
11 employee dissatisfied with his attorney fees may make
12 application for review of the fees by completing an application
13 form provided by the court.

14 8 MCAR S 5.009 Briefs on appeal. The Office of Administrative
15 Hearings shall file a certification with this court showing the
16 date of service of the transcript of hearing upon the parties or
17 their attorneys. The appellant, within 30 days from the date of
18 said service, shall file a written brief with the court together
19 with an affidavit stating that service of a copy of the brief
20 has been made by the appellant upon each adverse party. Five
21 copies of the brief shall be filed with the court where oral
22 argument is to be made.

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

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

33 Briefs not timely filed shall not be considered by the court
34 unless an extension of time for filing has been granted. No

1 extension shall be granted except as provided in 8 MCAR SS
2 5.001-5.014.

3 8 MCAR S 5.010 Hearings on appeal. A party desiring to waive
4 oral argument before the court shall notify the court within the
5 time limitations for the filing of a brief.

6 All arguments on appeal before the court shall be limited to
7 15 minutes by each party unless otherwise authorized by the
8 court.

9 8 MCAR S 5.011 Application to set the award aside or grant a new
10 hearing. Applications to set an award aside or grant a new
11 hearing shall be verified and accompanied by supporting
12 affidavits or medical reports. Sufficient copies shall be filed
13 with the court for service upon the other parties. The
14 application shall state in detail the grounds that constitute
15 the cause for granting the relief requested.

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

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

21 8 MCAR S 5.012 Writ of certiorari. The party filing a writ of
22 certiorari pursuant to Minn. Stat. S 176.471 and Rules ~~103-01~~
23 ~~and 111-04~~ of the Rules of Civil Appellate Procedure, shall
24 immediately provide the court with an additional copy of any
25 transcripts of hearings pertaining to the matter on appeal.

26 8 MCAR S 5.013 Second injury law. In addition to those
27 impairments set forth in Minn. Stat. S 176.131, subd. 8, the
28 following additional impairments shall be registerable: brain
29 tumors; Pott's disease; seizures; cancer of the bone; and
30 leukemia.

31 8 MCAR S 5.014 Motions. All applications, petitions and motions
32 for relief or consideration by the court, not otherwise provided
33 for in 8 MCAR SS 5.001-5.014 with respect to appeals, shall be
34 made in the following manner and within the following times,

1 unless otherwise directed by the court:

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

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

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

13 Repealer. Except as expressly made applicable by 8 MCAR S
14 5.001-5.014 the rules of practice for the Workers' Compensation
15 Court of Appeals and the Workers' Compensation Division of the
16 Department of Labor and Industry, WC1-WC35, are not applicable
17 and do not govern practice before the Workers' Compensation
18 Court of Appeals.