

1 Workers' Compensation Court of Appeals

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3 Adopted Rules of Procedure; Workers' Compensation Court of
4 Appeals

5

6 Rules as Adopted

7 9800.0100 DEFINITIONS.

8 Subpart 1. Application. For the purpose of parts
9 9800.0100 to 9800.1800, the following terms have the meanings
10 given them.

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

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

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

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

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

22 Subp. 7. Office. "Office" means the state Office of
23 Administrative Hearings.

24 9800.0200 EXAMINATION OF FILES.

25 Inspection of any division file that is in the custody of
26 the court is subject to the requirements of Minnesota Statutes,
27 sections 176.231, subdivisions 8 and 9, and 176.138, and part
28 1415.0600.

29 9800.0400 TEMPORARY ORDERS.

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

32 9800.0500 CONTINUANCES OF HEARINGS.

33 A continuance of any hearing shall be granted only
34 upon a showing of cause. A request for a continuance must be

1 made within five days of the filing of notice of hearing. The
2 court shall consider later requests only upon a showing that an
3 earlier request could not have been made.

4 Subp. 2. [See Repealer.]

5 9800.0700 STIPULATIONS FOR SETTLEMENT.

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

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

14 9800.0800 APPEAL OF ATTORNEY FEES BY AN EMPLOYEE.

15 An employee dissatisfied with his attorney fees may make
16 application for review of the fees by completing an application
17 form provided by the court pursuant to Minnesota Statutes,
18 section 176.081, subdivision 3.

19 9800.0900 BRIEFS ON APPEAL.

20 Subpart 1. Filing of brief of appellant where a transcript
21 is required. The appellant shall file a written brief, which
22 shall address only issues raised in the notice of appeal, within
23 30 days after the court receives the transcript. The brief
24 shall be accompanied by an affidavit stating that service of a
25 copy of the brief has been made by the appellant upon all other
26 parties to the action. The original brief and four copies shall
27 be filed with the court in cases where a hearing is to be held.
28 Only the original shall be filed where the hearing is waived by
29 all parties.

30 Subp. 2. Filing of brief of appellant where no transcript
31 of the proceedings is required. Where no transcript of the
32 proceedings is required, the appellant shall file a written
33 brief, which shall address only issues raised in the notice of
34 appeal, within 30 days after the filing of the notice of
35 appeal. The brief shall be accompanied by an affidavit stating

1 that service of a copy of the brief has been made by the
2 appellant upon all other parties to the action. The original
3 and four copies shall be filed with the court in cases where a
4 hearing is to be held. Only the original shall be filed where
5 the hearing is waived by all parties.

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

15 Subp. 4. Filing of respondent's brief where no appellant
16 brief is filed. If no appellant brief is filed, briefs of
17 respondents shall be filed within 50 days after the date that
18 the court received the transcript of the proceedings. If no
19 transcript of the proceedings is required and no appellant brief
20 is filed, all other parties shall file briefs within 50 days
21 after the date of filing of the notice of appeal. The briefs
22 shall address only issues raised in the notice of appeal and
23 shall be accompanied by proof of service upon all parties. The
24 original and four copies shall be filed with the court in cases
25 where a hearing is to be held. Only the original brief shall be
26 filed where a hearing is waived by all parties.

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

34 Subp. 6. Extensions. Extensions of time for the filing of
35 briefs shall be granted only for cause and if requested within
36 the time for the filing of the brief. Briefs not timely filed

1 shall not be considered by the court unless an extension of time
2 for filing has been granted.

3 9800.1000 HEARINGS ON APPEAL.

4 Subpart 1. Time limits. A hearing shall be scheduled
5 unless it is waived by all parties as prescribed by part
6 9800.1600, subpart 2. Each party shall be allotted 15 minutes
7 unless otherwise authorized by the court.

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

18 9800.1100 APPLICATION TO SET AWARD ASIDE AND GRANT A NEW HEARING.

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

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

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

30 9800.1400 APPLICATIONS, PETITIONS, AND MOTIONS.

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

35 Subp. 2. Procedures for filing. Motions shall be in

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

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

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

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

14 9800.1500 PETITION FOR INTERVENTION.

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

22 Subp. 2. Notice to potential intervenors. Any person who
23 may have an interest in a case must be placed on written notice
24 of the right to petition to intervene as prescribed by part
25 1415.1100. A petition to intervene must be filed by the
26 potential intervenor within 30 days of receiving notice.

27 Subp. 3. Contents of petition. The contents and format of
28 the petition to intervene shall conform to part 1415.1200.
29 Responses to the petition shall be filed in accordance with part
30 9800.1400, subpart 3.

31 9800.1600 COMMENCEMENT OF APPEALS.

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

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

5 B. When an appeal is taken from a decision of the
6 rehabilitation review panel under Minnesota Statutes, section
7 176.102 or from a decision of the medical services review board
8 under Minnesota Statutes, section 176.103, the notice must be
9 filed with the Office of Public Affairs at the Department of
10 Labor and Industry within 30 days of the filing of the decision
11 being appealed.

12 C. When an appeal from the decision of the
13 commissioner is authorized by Minnesota Statutes, section
14 176.442, the notice must be filed with the division within 30
15 days of the filing of the decision being appealed.

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

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

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

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

28 9800.1700 TAXATION OF COSTS AND DISBURSEMENTS.

29 The court shall tax actual and necessary costs and
30 disbursements as prescribed by Minnesota Statutes, section
31 176.511. Parties shall comply with the procedure in part
32 9800.1400 except that petitions under this part must be filed
33 within 45 days of the filing of the final appellate decision in
34 the main action.

35 9800.1800 SUSPENSION OF RULES.

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

8
9 REPEALER. Minnesota Rules, parts 9800.0500, subpart 2;
10 9800.0600; and 9800.1300, are repealed.