



Workers' Compensation Commission

December 18, 2009

Commission Notice

Form 40, Motion for Expedited Adjudication

The Workers' Compensation Commission voted to amend the Form 40, Motion for Expedited Adjudication, at the December Full Commission business meeting. The Form 40 should only be submitted to the Judicial Department for the following reasons:

Death Benefits

Death benefits are due and the employer/carrier's investigation has been completed and establishes no dispute exists as to the disposition of benefits. Attach the investigative report including names, addresses, and ages of all beneficiaries.

Accepted Case

The case is accepted and involves medical care and treatment recommended by an authorized treating physician for a specific body part or condition which is (a) accepted by the employer/carrier or (b) found compensable by previous Order of the Commission. Relevant medical documentation and/or order of the Commission must be attached to the form.

Change of Condition

The case involves a request for a medical evaluation on a change of condition pursuant to Regulation 67-602(C).

Lump Sum Payment

The issue is determination of a lump sum payment under 42-9-301 and Regulation 67-1605. A completed Form 24 must be attached to the Form 40.

If appropriate documentation and service are not attached, the form will not be processed by the Judicial Department and returned.

Noncompliance of a Decision and Order

For matters relating to noncompliance of a Decision and Order, the proper motion is a Rule to Show Cause filed with the Commissioner who issued the order. The Rule to Show Cause will be handled in an expedited manner just as the Form 40. Please attach a copy of the relevant Decision and Order to the motion.

Full Commission Decision and Order

Proposed Decisions and Orders

The Judicial Department continues to return numerous Full Commission proposed decisions and orders not properly prepared. Please review the order instructions carefully. All Appellate Panel orders must recite the Findings of Fact and the Rulings of Law of the Single Commissioner as well as the Findings of Fact and Rulings of Law of the Appellate Panel. It is not sufficient to incorporate them by reference in the Appellate Order. The Court routinely remands them to the Commission, finding the order did not comply with Baldwin v James River Corporation, causing unnecessary delay in service.

Request for Proposed Order

The Request for Proposed Order tells you which Commissioner is assigned the case. When the signature page is published, the assigned Commissioner should be the first signature on the signature page. Although the case is assigned to a specific Commissioner, please mail all proposed orders to the Judicial Department. After the Judicial Department reviews the order, the order is forwarded to the Commissioner's office for signature.

Commissioners' Comments Published

When a Commissioner wishes to publish his or her comments, please include them below their signature line, even though they may be published in the body of the order.

Signature Lines

There should be a signature line provided for each Commissioner. If the order is not proper and has to be returned, it may add thirty days before it will be processed and served.

Motions to Add

All Motions to Add are to be filed with the Judicial Department. When adding a Party; the added Party must receive thirty days notice of any hearing.