

TITLE 631

WORKER'S COMPENSATION BOARD OF INDIANA

NOTE: 631 IAC was transferred from 630 IAC. Whenever in any promulgated rule text there appears a reference to 630 IAC, substitute 631 IAC.

Art. 1. WORKER'S COMPENSATION

ARTICLE 1. WORKER'S COMPENSATION

Rule 1. Procedures Before the Board; Compensation Payments; Reports; Second Injury Fund

Rule 1. Procedures Before the Board; Compensation Payments; Reports; Second Injury Fund

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631 IAC 1-1-1 Location and hours of board office (*Expired*)

Sec. 1. (*Expired under IC 4-22-2.5, effective January 1, 2002.*)

631 IAC 1-1-2 Forms; publication and distribution of pamphlets

Authority: IC 22-3-1-3

Affected: IC 22-3-2; IC 22-3-4-3; IC 22-3-6; IC 22-3-7-25

Sec. 2. The industrial board will prepare and furnish free of charge all proper sample forms required by the provisions of the "Indiana Workmen's Compensation Act (IC 22-3-2-IC 22-3-6)" and "The Indiana Workmen's Occupational Diseases Act (IC 22-3-7)," and all pleadings, reports, and papers filed with the industrial board must be in the prescribed form.

Any pamphlets prepared and published by the industrial board containing a concise text of "The Indiana Workmen's Compensation Act (IC 22-3-2-IC 22-3-6)," "The Indiana Workmen's Occupational Diseases Act (IC 22-3-7)," and "Rules of the Industrial Board (630 IAC 1-1-39, 630 IAC 1-1-41 and 630 IAC 1-1-42) [Rules 39, 41, and 42, renumbered 630 IAC 1-1-39 by the revisor, was repealed filed May 12, 1983, 10:15 am: 6 IR 1248]," shall be distributed by the secretary of the industrial board to anyone requesting such pamphlets, provided, however, that the board may make a reasonable cost charge for such pamphlets. All monies collected from the sale of said pamphlets, shall be turned over by the secretary of the industrial board to the general fund of the state of Indiana to help defray the printing expenses for said pamphlets. (*Worker's Compensation Board of Indiana; Rule 2; filed Jul 17, 1963, 11:10 pm: Rules and Regs. 1964, p. 105; filed Aug 31, 1966, 2:15 pm: Rules and Regs. 1967, p. 83; filed May 12, 1983, 10:15 am: 6 IR 1239, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) *NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-2) to the Worker's Compensation Board of Indiana (631 IAC 1-1-2) by P.L.28-1988, SECTION 121, effective July 1, 1988.*

631 IAC 1-1-3 Rules of practice in proceedings

Authority: IC 22-3-1-3

Affected: IC 22-3-2; IC 22-3-4-6; IC 22-3-6; IC 22-3-7-24

Sec. 3. Except as provided below the industrial board will not be bound by any technical rules of practice in conducting hearings, but will conduct such hearings and make such investigations in reference to the questions at

issue in such manner as in its judgment are best adapted to ascertain and determine expeditiously and accurately the substantial rights of the parties and to carry out justly the spirit of "The Indiana Workmen's Compensation Act (IC 22-3-2–IC 22-3-6)," and "The Indiana Workmen's Occupational Diseases Act (IC 22-3-7)." However, the industrial board incorporates by reference the provisions of Trial Rules 26 through 37, as amended, of the Indiana Rules of Trial Procedure, into this rule. (*Worker's Compensation Board of Indiana; Rule 3; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 72; filed May 12, 1983, 10:15 am: 6 IR 1240, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-3) to the Worker's Compensation Board of Indiana (631 IAC 1-1-3) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-4 Pleadings in subsequent proceedings

Authority: IC 22-3-1-3

Affected: IC 22-3-4-2; IC 22-3-7-24

Sec. 4. The applications or petitions for the review or modification of any award or order of the industrial board shall be entitled with parties, plaintiff and defendant, as in the proceedings, in which the award or order was made, bear the number of the original proceedings and be filed therein. (*Worker's Compensation Board of Indiana; Rule 5; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 72; filed May 12, 1983, 10:15 am: 6 IR 1240, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-5) to the Worker's Compensation Board of Indiana (631 IAC 1-1-4) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-5 Pleadings and papers to be printed or typewritten; filing; service

Authority: IC 22-3-1-3

Affected: IC 22-3-4-2; IC 22-3-7-24

Sec. 5. All applications must be printed or typewritten in the manner prescribed by the board and must be filed in triplicate.

After filing the original application with the industrial board, all subsequent petitions, motions, complaints, answers, special answers, appearances, briefs or other pleadings filed with the industrial board shall contain the address and telephone number of the party or counsel filing the document and a certification that on or before the day of filing a copy of said document was served upon the opposing party or counsel. The industrial board incorporates the provisions of Trial Rule 5, as amended,

Indiana Rules of Trial Procedure, by reference into this rule for the purposes of the calculation of time limitations with regard to service and filing of documents with the industrial board.

Parties desiring to file briefs must do so on or before the date of hearing or at such time as the industrial board may determine. Applications and other documents should be filed on 8 1/2" × 11" paper. (*Worker's Compensation Board of Indiana; Rule 6; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 72; filed Aug 31, 1966, 2:15 pm: Rules and Regs. 1967, p. 83; filed May 12, 1983, 10:15 am: 6 IR 1240, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-6) to the Worker's Compensation Board of Indiana (631 IAC 1-1-5) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-6 Plaintiffs

Authority: IC 22-3-1-3

Affected: IC 22-3-4-2; IC 22-3-7-24

Sec. 6. All persons should be joined as plaintiffs in whom any right to any relief, arising out of the same transaction, is alleged to exist.

If any such person should refuse to join as a plaintiff, such person should then be joined as a defendant, and the fact of such refusal to join as plaintiff should be stated in the application, petition or complaint. (*Worker's Compensation Board of Indiana; Rule 7; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 73; filed May 12, 1983, 10:15 am: 6 IR 1241, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-7) to the Worker's Compensation Board of Indiana (631 IAC 1-1-6) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-7 Defendants

Authority: IC 22-3-1-3

Affected: IC 22-3-4-2; IC 22-3-7-24

Sec. 7. All persons should be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally, or in the alternative, and the industrial board, at any time, upon a proper showing, or of its own motion, may order that any additional party be joined, when it deems the presense [*sic.*] of such party necessary. (*Worker's Compensation Board of Indiana; Rule 8; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 73; filed May 12, 1983, 10:15 am: 6 IR 1241, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial

Board of Indiana (630 IAC 1-1-8) to the Worker's Compensation Board of Indiana (631 IAC 1-1-7) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-8 Answers; affirmative defenses

Authority: IC 22-3-1-3

Affected: IC 22-3-2-8; IC 22-3-4-2; IC 22-3-7-24

Sec. 8. The defendant may file a responsive pleading to any application, petition or complaint of the plaintiff at any time before the date set for the hearing, but no such answer is required, and if none is filed, the allegations contained in the application, petition or complaint will be deemed to be denied.

If the defendant relies upon the special defenses allowed by IC 22-3-2-8, such special defense must be pleaded by an affirmative answer filed no later than forty-five (45) days before the date set for hearing unless good cause is shown for delay. (*Worker's Compensation Board of Indiana; Rule 10; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 74; filed Aug 31, 1966, 2:15 pm: Rules and Regs. 1967, p. 84; filed May 12, 1983, 10:15 am: 6 IR 1241, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) **NOTE:** *Transferred from the Industrial Board of Indiana (630 IAC 1-1-10) to the Worker's Compensation Board of Indiana (631 IAC 1-1-8) by P.L.28-1988, SECTION 121, effective July 1, 1988.*

631 IAC 1-1-9 Disclaimer

Authority: IC 22-3-1-3

Affected: IC 22-3-4-2; IC 22-3-7-24

Sec. 9. Any defendant who is joined as such because of an alleged claim of an interest in the compensation sought to be recovered, may at any time before the hearing is commenced file a written disclaimer of such interest in the compensation. (*Worker's Compensation Board of Indiana; Rule 11; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 74; filed May 12, 1983, 10:15 am: 6 IR 1241, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) **NOTE:** *Transferred from the Industrial Board of Indiana (630 IAC 1-1-11) to the Worker's Compensation Board of Indiana (631 IAC 1-1-9) by P.L.28-1988, SECTION 121, effective July 1, 1988.*

631 IAC 1-1-10 Expediting proceedings; notice of hearings; continuances

Authority: IC 22-3-1-3

Affected: IC 22-3-2; IC 22-3-4-6; IC 22-3-6; IC 22-3-7-24

Sec. 10. The policy of the industrial board, implementing the spirit of the Workmen's Compensation Act (IC 22-3-2-IC 22-3-6), is to determine all questions brought

before it as speedily and expeditiously as possible. Therefore, proceedings before the industrial board shall be conducted with the least possible expense and with the greatest practical dispatch. Notice of all hearings and proceedings before the board, unless otherwise directed by statute, shall be given by mail, and proof of the mailing of any such notice shall be prima facie proof of the service thereof.

The secretary of the industrial board shall give written notice by mail to all parties or their counsel, of each hearing scheduled before either a single hearing member or the full industrial board. When it appears from the records of the industrial board that any party in a proceeding pending before the industrial board is represented by an attorney, such notices as well as all other communications concerning such proceeding shall be sent to such attorney or attorneys. Unless otherwise ordered by the industrial board, at least ten (10) days' notice of all hearings will be given from the date of mailing the notice thereof.

There shall be no continuances granted to either party except for good cause shown by motion. All requests for continuances must be filed not less than ten (10) days before a scheduled hearing. Any request for continuance filed less than ten (10) days prior to a scheduled hearing will be denied unless there shall be conclusively shown in the motion or petition that, in addition to good cause for the continuance, an emergency exists excusing the late filing of the request.

If a request for a continuance is refused by the industrial board, the industrial board may proceed to make any adjudication necessary for a final determination of a pending application. (*Worker's Compensation Board of Indiana; Rule 12; filed Jul 17, 1963, 11:10 pm: Rules and Regs. 1964, p. 106; filed Aug 31, 1966, 2:15 pm: Rules and Regs. 1967, p. 84; filed May 12, 1983, 10:15 am: 6 IR 1241, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) **NOTE:** *Transferred from the Industrial Board of Indiana (630 IAC 1-1-12) to the Worker's Compensation Board of Indiana (631 IAC 1-1-10) by P.L.28-1988, SECTION 121, effective July 1, 1988.*

631 IAC 1-1-11 Stipulations

Authority: IC 22-3-1-3

Affected: IC 22-3-3-6; IC 22-3-7-24

Sec. 11. The parties to any proceeding before the industrial board may stipulate the facts in writing and thereupon the Board will make its order or award.

Where the stipulation covers a permanent partial impairment, it will be necessary to file with said stipulation with the industrial board a report of a physician

furnished by the employer and also a report of a physician employed by and representing the employee, as to their opinions of percent of permanent partial impairment unless such reports have been previously filed. The employee may waive examination by a physician other than the one provided by the employer. In such cases, the employee's written waiver shall be filed with the report of the employer's physician.

To the end that proceedings may be disposed of expeditiously and with the least possible expense to the parties and the state, the board desires to encourage the parties to stipulate facts whenever it can reasonably be done. (*Worker's Compensation Board of Indiana; Rule 13; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 75; filed May 12, 1983, 10:15 am: 6 IR 1242, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-13) to the Worker's Compensation Board of Indiana (631 IAC 1-1-11) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-12 Testimony; depositions

Authority: IC 22-3-1-3
Affected: IC 22-3-7-27

Sec. 12. In all hearings proof may be made by oral testimony, or by depositions, when the convenience of the witnesses or the parties so requires. (*Worker's Compensation Board of Indiana; Rule 14; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 75; filed May 12, 1983, 10:15 am: 6 IR 1242, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-14) to the Worker's Compensation Board of Indiana (631 IAC 1-1-12) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-13 Pleadings or depositions in foreign language; translation

Authority: IC 22-3-1-3
Affected: IC 22-3-1-3

Sec. 13. No paper or document or deposition written in any foreign language shall be introduced in evidence unless it be accompanied by a correct English translation thereof, with proof that such translation is a correct copy of the original. (*Worker's Compensation Board of Indiana; Rule 15; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 75; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-15) to the Worker's Compensation Board of Indiana (631 IAC 1-1-13) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-14 Foreign plaintiffs; power of attorney

Authority: IC 22-3-1-3
Affected: IC 22-3-1-3

Sec. 14. No complaint filed by a foreign plaintiff will be heard by said Board until such plaintiff shall file with said Board a duly authenticated power of attorney in the English language, designating therein an attorney in fact, authorized to act for such plaintiff. (*Worker's Compensation Board of Indiana; Rule 16; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 75; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-16) to the Worker's Compensation Board of Indiana (631 IAC 1-1-14) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-15 Facts upon review; additional evidence; oral arguments

Authority: IC 22-3-1-3
Affected: IC 22-3-4-7; IC 22-3-7-27

Sec. 15. The facts upon review by the full board will be determined upon the evidence introduced in the original hearing, without hearing new or additional evidence, at the discretion of the industrial board. Any party desiring to introduce new or additional evidence shall file an affidavit setting forth therein the names and residences of the witnesses to be called to testify before the full board, the facts to which they will testify, or, if the new evidence be documentary, then a copy of the document proposed to be introduced setting forth good reason for failure to introduce such evidence at the original hearing. If such petition is granted, the opposing party shall have the right to introduce such additional evidence as may be necessary in rebuttal.

Oral argument shall not be required in cases coming before the full board on applications for review. No later than thirty (30) days prior to the date set by notice for consideration of an application by the full board, the applicant or counsel may file with the industrial board a brief or statement specifically setting forth the errors alleged for review, argument on those errors, and authorities, if any, supporting such argument. Such brief or statement shall be filed with seven (7) copies. The opposing party or counsel may file, no later than ten (10) days prior to such hearing date, any rebuttal. (*Worker's Compensation Board of Indiana; Rule 18; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 76; filed May 12, 1983, 10:15 am: 6 IR 1242, eff Sep 1, 1983; errata, 6 IR 1751; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board

of Indiana (630 IAC 1-1-18) to the Worker's Compensation Board of Indiana (631 IAC 1-1-15) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-16 X-ray films; admissibility

Authority: IC 22-3-1-3

Affected: IC 22-3-4-11; IC 22-3-7-27

Sec. 16. Upon hearings before the industrial board or any of its members, X-ray films may be exhibited to show the existing condition of an injured employee, but such films themselves will not be considered a part of the evidence. (*Worker's Compensation Board of Indiana; Rule 19; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 76; filed May 12, 1983, 10:15 am: 6 IR 1243, eff Sep 1, 1983; errata, 6 IR 1751; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-19) to the Worker's Compensation Board of Indiana (631 IAC 1-1-16) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-17 Number of witnesses; challenging jurisdiction of board; insurance as proof of compliance

Authority: IC 22-3-1-3

Affected: IC 22-3-2; IC 22-3-4-6; IC 22-3-6; IC 22-3-7-24

Sec. 17. Upon hearings before the industrial board or any of its members, the board or such member may refuse to hear more than three witnesses produced by the same party to prove the same fact.

When a motion or pleading is filed presenting the question of jurisdiction of the industrial board, such motion or pleading shall be heard and the question presented thereby determined before the application for compensation shall be heard on its merits.

Where an employer has insurance pursuant to the "Indiana Workmen's Compensation Act (IC 22-3-2-IC 22-3-6)" and the "Indiana Workmen's Occupational Diseases Act (IC 22-3-7)" the signature of such compensation carrier by its representative on behalf of such employer in the discharge of their duties under said act may be accepted by the industrial board as compliance with the compensation law. (*Worker's Compensation Board of Indiana; Rule 20; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 77; filed May 12, 1983, 10:15 am: 6 IR 1243, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-20) to the Worker's Compensation Board of Indiana (631 IAC 1-1-17) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-18 Advice and information furnished by secretary of board

Authority: IC 22-3-1-3

Affected: IC 22-3-4-3; IC 22-3-7-25

Sec. 18. The secretary of the board will, upon request, advise any party as to the form of petition, answer or other paper necessary to be filed in any case, and furnish such information from the files of the board as will conduce to a full presentation of facts material to the controversy. (*Worker's Compensation Board of Indiana; Rule 21; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 77; filed May 12, 1983, 10:15 am: 6 IR 1243, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-21) to the Worker's Compensation Board of Indiana (631 IAC 1-1-18) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-19 Powers and duties of secretary of board

Authority: IC 22-3-1-3

Affected: IC 22-3-1-1

Sec. 19. The secretary of the board is charged with the special duty of directing the clerical assistants in the discharge of their duties, of making or having made all proper records, of giving or causing to be given all notices of hearings before the board or any member thereof, of issuing or causing to be issued all subpoenas, and of indexing, numbering and preserving all pleadings, reports and papers filed with the board. (*Worker's Compensation Board of Indiana; Rule 22; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 77; filed May 12, 1983, 10:15 am: 6 IR 1243, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-22) to the Worker's Compensation Board of Indiana (631 IAC 1-1-19) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-20 Claim register; card index of claims

Authority: IC 22-3-1-3

Affected: IC 22-3-1-3

Sec. 20. The secretary shall keep a claim register and a card index of claims in the office of the board, in which all cases shall be entered at the time and in the order in which they are filed. Each case shall be numbered in the order in which it is filed.

The card index of claims shall show the title of the cause, the date of filing, the order or award, and the name of the board member making it. The original award shall be filed with the original papers in the case. (*Worker's*

Compensation Board of Indiana; Rule 23; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 78; filed May 12, 1983, 10:15 am: 6 IR 1244, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-23) to the Worker's Compensation Board of Indiana (631 IAC 1-1-20) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-21 Certified copies of records, orders, and transcripts

Authority: IC 22-3-1-3
Affected: IC 22-3-4-3; IC 22-3-7-25

Sec. 21. Certified copies of the files, orders, awards and records and transcripts of evidence will be furnished only on the written order of the party desiring the same.

When a certified copy of an award or an agreement ordering payment of compensation is requested, there shall be attached to such copy the memorandum, if one has been filed, provided for by Rule 32 (630 IAC 1-1-32) [Rule 32, renumbered 630 IAC 1-1-32 by the revisor, was repealed filed May 12, 1983, 10:15 am: 6 IR 1248], and the certification by the secretary of the industrial board shall include such memorandum as a part of the records of the industrial board with reference to such award or agreement. (Worker's Compensation Board of Indiana; Rule 25; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 78; filed May 12, 1983, 10:15 am: 6 IR 1244, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305) NOTE: Renumbered Rule 24 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-24) to the Worker's Compensation Board of Indiana (631 IAC 1-1-21) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-22 Appeal to court of appeals

Authority: IC 22-3-1-3
Affected: IC 22-3-4-3

Sec. 22. Any party desiring to appeal to the Court of Appeals from an award of the industrial board must file with the secretary of the board within fifteen (15) days from the date of such award, a written praecipe designating specifically the pleadings to be incorporated into the transcript for such appeal. (Worker's Compensation Board of Indiana; Rule 26; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 79; filed May 12, 1983, 10:15 am: 6 IR 1244, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305) NOTE: Renumbered Rule 25 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-25) to the Worker's Compensation Board of Indiana (631 IAC 1-1-22) by

P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-23 Representing litigants before board

Authority: IC 22-3-1-3
Affected: IC 22-3-8-1; IC 22-3-8-2

Sec. 23. The parties to a proceeding before the industrial board may appear either in person or by an attorney. Before any person shall be permitted to represent any party litigant before the industrial board of Indiana, he or she shall make an oath in writing, showing qualifications as prescribed by law, in the form as follows:

STATE OF INDIANA,) SS:
COUNTY OF)

_____ the undersigned affirms under the penalties for perjury, that the foregoing representations are true: that he or she has been duly admitted to practice law in the Circuit and/or Superior Court of _____ County, Indiana, and in the Supreme Court of the State of Indiana, and is at this time in good standing as a practitioner before said Courts.

Signature of Attorney
Printed Name _____
Office Address _____

Telephone Number () _____

(Worker's Compensation Board of Indiana; Rule 27; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 79; filed Aug 31, 1966, 2:15 pm: Rules and Regs. 1967, p. 84; filed May 12, 1983, 10:15 am: 6 IR 1244, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305) NOTE: Renumbered Rule 26 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-26) to the Worker's Compensation Board of Indiana (631 IAC 1-1-23) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-24 Schedule of attorney fees (Expired)

Sec. 24. (Expired under IC 4-22-2.5, effective January 1, 2002.)

631 IAC 1-1-25 Claims for fees; disputes

Authority: IC 22-3-1-3
Affected: IC 22-3-4-12; IC 22-3-7-24

Sec. 25. Unless otherwise ordered by the board all claims for physician's fees, attorney's fees, nurses' fees, hospital bills and all disputes pertaining thereto will be heard at the office of the board. In such cases the parties may make their proof by oral testimony, by depositions

or by affidavits, or by all of such methods. (*Worker's Compensation Board of Indiana; Rule 29; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 80; filed May 12, 1983, 10:15 am: 6 IR 1245, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Renumbered Rule 28 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-28) to the Worker's Compensation Board of Indiana (631 IAC 1-1-25) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-26 Compensation agreements; failure to make payment

Authority: IC 22-3-1-3

Affected: IC 22-3-4-5; IC 22-3-7-27

Sec. 26. No later than fifteen (15) days from the date upon which the first weekly installment of compensation shall be due to an injured employee or his dependents within this state, the employer or his insurance carrier shall present to such injured employee or his dependents, if such injured employee or his dependents be at the time within said state and his or their address is known to the employer or his insurance carrier, for signature, a properly prepared compensation agreement in the form prescribed by the industrial board, and at such time shall pay or tender to such person or persons all compensation then due.

After the compensation agreement has been executed by the parties, it shall be filed with the industrial board and a copy shall be served upon the injured employee or his dependents within fifteen (15) days of execution.

The presentation to such person or persons of the check or draft of the employer or insurance carrier for the proper amount, drawn upon a bank in which money is on deposit to pay the same on demand, shall be sufficient tender of such compensation.

If such agreement is not so presented and payment made or tender of the full amount of compensation then due, so made within said time, then the failure so to do may be sufficient cause for the revocation of the certificate of the employer which has authorized him to carry his own risk without insurance or of the insurance policy form of such insurance carrier: provided, that this rule shall not apply to injuries of which the employer has no notice or knowledge, or when the employer and the injured employee or his dependents, in good faith, have failed to reach an agreement in regard to the compensation payable or when the employer has reported to the industrial board within the time and in the manner required by law, and in which report the employer, in good faith, shall have denied compensation liability and shall have stated therein a valid reason for such denial. (*Worker's Compensation Board of Indiana; Rule 31;*

filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 81; filed May 12, 1983, 10:15 am: 6 IR 1245, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305) NOTE: Renumbered Rule 30 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-30) to the Worker's Compensation Board of Indiana (631 IAC 1-1-26) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-27 Time period of payments; memorandum of termination

Authority: IC 22-3-1-3

Affected: IC 22-3-4-14; IC 22-3-7-34

Sec. 27. If an injured employee, or his dependents have been awarded compensation by the industrial board, either by approval of an agreement or by an award, the employer shall continue the payments of compensation under the terms of such award or agreement for the specific period therein fixed, or until such employee returns to work, or the dependency ends, or the employer shall have in good faith disagreed with the injured employee or the dependents as to the continuation of such compensation payments.

The employer or such employer's insurance carrier shall file with the industrial board a memorandum prescribed by the industrial board showing payments made, the date of the employee's return to work, the date of cessation and reason for termination of the payments, and any other fact or facts pertaining to the cessation of said payments of compensation and serve upon the employee or his dependents a copy thereof. (*Worker's Compensation Board of Indiana; Rule 32; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 82; filed May 12, 1983, 10:15 am: 6 IR 1246, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Renumbered Rule 31 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-31) to the Worker's Compensation Board of Indiana (631 IAC 1-1-27) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-28 Reports by employers

Authority: IC 22-3-1-3

Affected: IC 22-3-2; IC 22-3-4-13; IC 22-3-4-14; IC 22-3-6; IC 22-3-7-34; IC 22-3-7-37

Sec. 28. Employers who have been granted by the industrial board a certificate of financial ability to pay direct compensation in the amount and manner and when due, as provided in "The Indiana Workmen's Compensation Act (IC 22-3-2-IC 22-3-6)," and the "Indiana Workmen's Occupational Diseases Act (IC 22-3-7)," as well as those who have not been granted such certificate, must make all reports required by said act upon forms

that are prescribed by the industrial board.

All accident reports, pursuant to IC 22-3-4-13 shall be in writing and mailed to the industrial board on forms prescribed by the board for that purpose.

Reports of disablements occasioned by an occupational disease pursuant to IC 22-3-7-37 shall be in writing and mailed to the industrial board on forms prescribed for that purpose. (*Worker's Compensation Board of Indiana; Rule 35; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 83; filed May 12, 1983, 10:15 am: 6 IR 1246, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Renumbered Rule 34 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-34) to the Worker's Compensation Board of Indiana (631 IAC 1-1-28) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-29 Self-insurers; application for certification

Authority: IC 22-3-1-3

Affected: IC 22-3-2; IC 22-3-4-14; IC 22-3-6; IC 22-3-7-34

Sec. 29. Any employer other than those excepted in IC 22-3-2-5 desiring a certificate of financial ability to pay compensation direct without insurance, shall file with the industrial board, upon the form prescribed by the board, an application for such certificate and shall furnish therein all the information required. Such employer shall certify to the industrial board that it has adequate facilities for making necessary accident reports, executing compensation agreements and other necessary documents for the handling of workmen's compensation matters; that it has placed in charge of this work a person or persons within the state familiar with the Indiana Workmen's Compensation Act (IC 22-3-2-IC 22-3-6) and the Indiana Workmen's Occupational Diseases Act (IC 22-3-7) and the rules of the industrial board of Indiana. Failure of such employer to timely fulfill its obligations under these laws may result in revocation of its certificate. (*Worker's Compensation Board of Indiana; Rule 37; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 84; filed May 12, 1983, 10:15 am: 6 IR 1246, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Renumbered Rule 36 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-36) to the Worker's Compensation Board of Indiana (631 IAC 1-1-29) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-30 Request for certification of compliance

Authority: IC 22-3-1-3

Affected: IC 22-3-2-14; IC 22-3-5; IC 22-3-7-34

Sec. 30. Upon written request, from any person, to the industrial board for a showing of compliance by any principal contractor, intermediate contractor or subcontractor with IC 22-3-5, IC 22-3-5-1 and IC 22-3-5-2 as required by IC 22-3-2-14 and with IC 22-3-7-34(a) and IC 22-3-7-34(b) as required by IC 22-3-7-34(i) the industrial board will issue a certificate showing such compliance as it is reflected by the board's records.

Each request must be accompanied by a pre-addressed, stamped envelope for each party who is to receive a copy of such certificate. (*Worker's Compensation Board of Indiana; Rule 38; filed Aug 2, 1949, 3:50 pm: Rules and Regs. 1950, p. 84; filed Aug 3, 1973, 3:00 pm: Rules and Regs. 1974, p. 361; filed May 12, 1983, 10:15 am: 6 IR 1247, eff Sep 1, 1983; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Renumbered Rule 37 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-37) to the Worker's Compensation Board of Indiana (631 IAC 1-1-30) by P.L.28-1988, SECTION 121, effective July 1, 1988.

631 IAC 1-1-31 Second injury fund

Authority: IC 22-3-1-3

Affected: IC 22-3-2; IC 22-3-4-5; IC 22-3-6; IC 22-3-7-13

Sec. 31. The industrial board of Indiana, in order to carry out the intent and purpose of the second injury fund, adopts the following:

All employers and insurance carriers, subject to the provisions of the second injury fund, shall keep an accurate record of all compensation claims paid to injured employees or their dependents under the Act (IC 22-3-2-IC 22-3-6); that the board may examine under oath or otherwise, any person, firm or corporation, concerning the records of said compensation payments; that the board may regulate the method and manner and provide the necessary forms whereby payments are made to said fund.

All claims made under the second injury fund will be determined like other compensation claims, as provided for in IC 22-3-4-5.

Awards for the payment of compensation from the second injury fund shall set forth that no payments out of the second injury fund will be made to a claimant until the full amount due from the employer for whom he was working when he received his second injury, shall have been fully paid; said payments of compensation from the second injury fund shall commence on the filing date of claimant's application for said benefits; all compensation payments paid out of the second injury fund, shall be ordered payable every six (6) weeks. Under no circumstances will the board consider any request for a lump sum settlement. Any award made under the provisions of

the second injury fund shall be subject to review, modification or cancellation, as provided for under the provision of the Indiana Workmen's Compensation Law.

The second injury fund shall be under the direction and supervision of an administrator named and appointed by the full industrial board. The administrator shall be charged with the duty of administering said second injury fund as hereinbefore prescribed and, additionally, said administrator shall personally review each application filed with the board requesting benefits from the second injury fund. In any case where the administrator of the second injury fund determines that there is a question of legal entitlement to any benefits from the second injury fund the administrator shall refer a copy of said application to the office of the attorney general of Indiana along with a letter or memorandum indicating wherein said administrator feels a question of legal entitlement exists

and before said application is set for hearing before a single member of the industrial board of Indiana the attorney general shall have the right to defend said fund against said application for allowance of second injury fund benefits. The attorney general of Indiana may designate which duly appointed deputy shall appear for said defense. (*Worker's Compensation Board of Indiana; Rule 39; filed Jul 17, 1963, 11:10 pm: Rules and Regs. 1964, p. 106; filed Dec 27, 1976, 3:45 pm: Rules and Regs. 1977, p. 219; filed May 12, 1983, 10:15 am: 6 IR 1247, eff Sep 1, 1983; errata, 6 IR 1751; readopted filed Nov 13, 2001, 12:20 p.m.: 25 IR 1305*) NOTE: Renumbered Rule 38 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-38) to the Worker's Compensation Board of Indiana (631 IAC 1-1-31) by P.L.28-1988, SECTION 121, effective July 1, 1988.

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