

**State of New York
WORKERS' COMPENSATION BOARD**

THIS AGENCY EMPLOYS AND SERVES
PEOPLE WITH DISABILITIES WITHOUT
DISCRIMINATION.

STATEMENT OF UNRESOLVED ISSUES - SPECIAL PART FOR EXPEDITED HEARINGS

WCB CASE NO.(S)	DATE(S) OF ACCIDENT	CLAIMANT (PLEASE PRINT)
CARRIER CASE NO.	CARRIER CODE	CARRIER (Please Print)
EMPLOYER (Please Print)		OTHER PARTY-IN-INTEREST (Please Print)

INSTRUCTIONS: COMPLETE THIS FORM AND FILE WITH THE BOARD AND SERVE UPON ALL PARTIES IN INTEREST WITHIN 20 DAYS AFTER CASE IS ORDERED TRANSFERRED TO THE SPECIAL PART FOR EXPEDITED HEARINGS.

THE FOLLOWING ARE THE UNRESOLVED ISSUES IN THIS CASE:

CHECK ONE:

- I AM READY FOR A HEARING BEFORE A WC LAW JUDGE.
- I AM NOT READY FOR A HEARING BEFORE A WC LAW JUDGE. DETAIL BELOW WHAT FURTHER INVESTIGATION IS NECESSARY AND WHY SUCH INVESTIGATION HAS NOT BEEN COMPLETED.

PARTY (Please Print)

Signature

Date

Section 300.34 Special part for expedited hearings.

This rule is promulgated pursuant to the requirements of paragraph (d) of subdivision 3 of section 25 of the Workers' Compensation Law with regard to the special part for expedited hearings for cases in which the issues have not been resolved within two years after such issues have been raised before the Board, or if multiple claims arise from the same accident or occurrence, or if all parties agree to an expedited hearing, or if the chair otherwise deems it necessary.

(a) If, in any case, the issues have not been resolved within two years after such issues have been raised before the board, or if multiple claims arise from the same accident or occurrence, or if all parties agree to an expedited hearing, or if the chair otherwise deems it necessary, the chair or a person designated by the chair, on his or her own motion, or on motion of any party in interest, may order that the case be transferred to a special part for expedited hearings. Cases transferred to this special part shall be heard by a Workers' Compensation Law Judge assigned to this part.

(b) Each party in interest shall, within 20 days after the order of transfer has been made, file with the board and serve upon all other parties in interest a concise statement of all unresolved issues, and either a statement that such party is ready for a hearing before a Workers' Compensation Law Judge or a statement detailing what further investigation is necessary and why such investigation has not been completed.

(c) Hearings in the special part for expedited hearings:

(1) shall be conducted by a Workers' Compensation Law Judge assigned to this part;

(2) shall be scheduled in such a manner so that, where appropriate, any and all outstanding issues may be addressed at one hearing; and

(3) shall, if practicable, be held at the district office where the case file is located and maintained; and

(4) shall be scheduled within 30 days after the order of transfer.

(d) Every attorney, licensed representative, or authorized representative of a carrier or self-insured employer who appears in proceedings in the special part for expedited hearings shall be familiar with the facts of the case, the documents filed or to be filed, and the applicable law, and shall have the authority to negotiate and settle any and all outstanding issues, including authority to limit any issue previously raised, subject to the provisions of section 300.5 and 300.36 of this Part.

(e) Except in case of an emergency, no case placed on a trial calendar in the special part for expedited hearings shall be adjourned or continued except upon approval by the Workers' Compensation Law Judge. Any party seeking to adjourn or continue the case shall file a written request stating the reasons for such adjournment or continuance with the Workers' Compensation Law Judge. If the adjournment or continuance is approved by the Workers' Compensation Law Judge, the case shall be rescheduled as soon as practicable, but no later than 30 days following such adjournment or continuance. If the adjournment or continuance is denied, the case shall be decided on the record as it stands.

(f) If, after reviewing the request for an adjournment or continuance, the Workers' Compensation Law Judge determines that the request for an adjournment or continuance is not an emergency and is frivolous, a penalty shall be imposed as follows:

(1) If the request is made by a carrier or employer, \$1,000 payable to the board. If such carrier or employer is represented by an attorney or licensed representative who is not an employee of the carrier or employer, the attorney or licensed representative shall be responsible for the payment of such penalty.

(2) If the request is made by a claimant who is represented by an attorney or licensed representative, \$500 payable to the board. Such penalty shall be paid directly by the attorney or licensed representative and shall not come out of the claimant's award.

(3) No penalty shall be imposed on an unrepresented claimant who requests an adjournment or continuance.

(g) Orders or directions made by a Workers' Compensation Law Judge in the special part for expedited hearings, pursuant to paragraph (d) of subdivision 3 of section 25 of the Workers' Compensation Law and this section, except a determination of accident or occupational disease, notice, and causal relationship or a monetary award, shall be interlocutory and shall not be reviewable by the Board under section 23 of the Workers' Compensation Law until the conclusion of the trial and the resolution of all outstanding issues.

(h) This section, as amended, shall take effect January 1, 1997, and shall apply to all new claims filed after such date.