

**Title 8—DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS
Division 20—Labor and Industrial
Relations Commission
Chapter 8—Tort Victims Appeals**

PROPOSED AMENDMENT

8 CSR 20-8.010 Review of Decisions Issued by the Division of Workers' Compensation in Tort Victims' Compensation Cases. The Labor and Industrial Relations Commission (LIRC) is amending section (1); amending sub-section (B) of section (3); amending sub-sections (A) and (B) of section (4); amending section (5); and amending section (6).

PURPOSE: This amendment clarifies the procedures for briefing and oral argument in Tort Victims' Compensation Cases, and removes the requirement to file three copies.

(1) Review-Appeal. Any party to a case involving tort victims' compensation may appeal the decision of the Division of Workers' Compensation by filing a petition with the commission within thirty (30) days following the date of notification or mailing of the decision, as provided by section 537.690, RSMo. A form to be used in making the petition has been promulgated by the commission and is available upon request. The petitioner *[is]* **need** not *[required to]* use the promulgated form provided the petition sets forth information in regard to the case, and the decision which is sought to be reviewed and the reason for making the petition. The petition shall be signed by the petitioner or the petitioner's attorney.

(3) Petitions and Briefs.

(B) If the petitioner desires to file a brief in support of the petition, the request to file a brief shall be stated in the petition. *[The petitioner's brief shall be filed within thirty (30) days after the transmittal of the transcript of record. The opposing party may file a responsive brief within fifteen (15) days after the receipt of the petitioner's brief.]* **When briefing is requested, the commission secretary will provide, via written correspondence to all parties, a briefing schedule after the transcript is prepared by the Division of Workers' Compensation. Unless a modified briefing schedule is ordered by the commission, the petitioner's brief will be due thirty (30) days from the date of the commission secretary's correspondence, and respondent briefs will be due fifteen (15) days from the date of the commission secretary's letter acknowledging the commission's receipt of the petitioner's brief.** The commission shall have discretion, after notice to the parties, to extend or accelerate the briefing schedule.

(4) Answers and Briefs.

(A) The opposing party (known as the respondent) may file an answer to the petition concisely addressing each of the contentions set forth in the petition. The answer shall be filed within ten (10) days *[after]* **from the date of the commission's correspondence acknowledging the filing of the petition.** The commission shall have discretion to extend the time for filing an answer.

(B) If the petitioner does not include a request to file briefs in the petition and the respondent desires to file a brief, that request shall be included in the answer. If the petitioner requested a briefing schedule, but failed to timely file a brief, the respondent may file a brief **within fifteen (15) days after the date that the petitioner's brief was due** *[only if the respondent included a request to file a brief in the answer].*

(5) Briefs, Typewritten. Briefs filed in any case pending before the commission shall be typewritten. The original *[and two (2) copies]* shall be filed with the commission and a copy served upon the opposing party.

(6) Oral Argument. Oral argument may be *[granted]* **ordered** by the commission *[. Any request to present oral argument shall be included in the petition or in the answer and shall include detailed and specific reasons the argument cannot be made adequately by brief.]* **upon its own motion or upon a request set forth in a petition for review or answer.** Untimely requests for leave to present oral argument shall not be entertained nor will any request to present oral argument in lieu of a brief be allowed.

*AUTHORITY: section 286.060, RSMo [2000] **Supp. 2018.** Original rule filed Jan. 25, 2002, effective July 30, 2002. Amended: Filed April 11, 2019.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Robert Cornejo, Chairman, PO Box 599, Jefferson City, MO 65102-0599. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*