

**CHAPTER 12A****PRIVATE PLAN TEMPORARY DISABILITY  
INSURANCE CASES****Authority**

N.J.S.A. 34:1A-3(e); 43:21-6(d) through (f); 43:21-10; 43:21-17;  
43:21-25 et seq.; and 52:14F-5(e), (f) and (g).

**Source and Effective Date**

R.2005 d.107, effective April 4, 2005.  
See: 36 N.J.R. 3957(a), 37 N.J.R. 1015(b).

**Chapter Expiration Date**

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from April 4, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

**Chapter Historical Note**

Chapter 12A, Private Plan Temporary Disability Insurance Cases, was adopted as R.1994 d.406, effective August 1, 1994. See: 26 N.J.R. 2174(a), 26 N.J.R. 3154(a).

Pursuant to Executive Order No. 66(1978), Chapter 12A, Private Plan Temporary Disability Insurance Cases, was readopted as R.1999 d.291, effective July 29, 1999. See: 31 N.J.R. 1550(a), 31 N.J.R. 2603(a). Chapter 12A, Private Plan Temporary Disability Insurance Cases, expired on January 25, 2005.

Chapter 12A, Private Plan Temporary Disability Insurance Cases, was adopted as R.2005 d.107, effective April 4, 2005. See: Source and Effective Date.

**Cross References**

Private plan temporary disability cases, appeal procedures as under this chapter, see N.J.A.C. 12:18-2.38.

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**SUBCHAPTER 1. HEARING APPLICABILITY****1:12A-1.1 Applicability**

The rules in this chapter shall apply to private plan temporary disability insurance cases heard by hearing officers of the Department of Labor and Workforce Development pursuant to N.J.S.A. 43:21-50(a) (see also N.J.A.C. 12:18). State plan temporary disability cases shall be heard by the Board of Review pursuant to N.J.S.A. 43:21-50(b), in accordance with N.J.A.C. 1:12.

Administrative change.  
See: 37 N.J.R. 1511(a).

**SUBCHAPTER 2. DEFINITIONS****1:12A-2.1 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Act” means the Temporary Disability Benefits Law, N.J.S.A. 43:21-25 et seq.

“Division” means the Division of Unemployment and Temporary Disability Insurance in the Department of Labor and Workforce Development.

“Hearing officer” means the individual assigned to hear and decide appeals concerning private plan temporary disability benefits. In so doing, the hearing officer acts as agency head.

Administrative change.  
See: 37 N.J.R. 1511(a).

## SUBCHAPTERS 3 THROUGH 4. (RESERVED)

## SUBCHAPTER 5. REPRESENTATION

**1:12A-5.1 Representation**

A party may represent himself or herself or may be represented by an attorney or a non-lawyer representative pursuant to R. 1:21-1(f)(11). Representation by an attorney shall be at the party's expense. Representation by a non-lawyer representative shall comply with N.J.A.C. 1:1-5.4.

Amended by R.2005 d.107, effective April 4, 2005.

See: 36 N.J.R. 3957(a), 37 N.J.R. 1015(b).

Rewrote the section.

## SUBCHAPTERS 6 THROUGH 8. (RESERVED)

## SUBCHAPTER 9. SCHEDULING

**1:12A-9.1 Informal hearing**

After the filing of a complaint, the Division shall conduct such investigations and informal hearings as may be necessary to determine the facts and settle the issues and, pending a disposition, a formal hearing shall not be scheduled.

**1:12A-9.2 Notice of formal hearing**

(a) If the issues raised by the complaint are not otherwise settled, they shall be referred to a hearing officer, who shall afford the interested parties thereto a reasonable opportunity for a full, fair and impartial hearing, in accordance with the procedure required under this chapter.

(b) Written notices of the time and place of any hearing shall be given to the claimant and employer, or their authorized representatives, insurer or organization paying benefits, and all other parties in interest at least five days before the date of hearing, but a shorter notice may be given if not prejudicial to the parties.

(c) A party to whom a notice of appeal has been sent shall be ready and present with all evidence and necessary witnesses at the time and place specified and shall be prepared to dispose of all issues and questions involved in the proceeding.

(d) A notice of hearing may be served personally or by certified or registered mail or by telegram upon a party or his or her duly authorized representative.

## SUBCHAPTER 10. DISCOVERY

**1:12A-10.1 Inspection of records**

(a) Orders for the production or inspection of records of the Division may be issued in any proceeding before the hearing officer, but only to the extent necessary for the purpose of the proceeding and to enable any party to the proceeding to fully discharge his or her obligation or safeguard his or her rights under the Act.

(b) A request for the production or inspection of records shall be addressed to the hearing officer, and shall state clearly the nature of the information desired and the reason therefor. The hearing officer may determine whether or not the request shall be granted and, if granted, inspection of the records may be allowed or a copy of the records furnished.

## SUBCHAPTER 11. SUBPOENAS

**1:12A-11.1 Issuance of subpoenas**

(a) The hearing officer shall have the power to administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records.

(b) Subpoenas to compel the attendance of witnesses or production of records shall be issued by the hearing officer only upon the showing of the necessity therefor by the party applying for the issuance of such subpoena.

**1:12A-11.2 Witness fees**

(a) Witness fees at the rate of \$1.00 for each day of attendance upon a hearing in response to a subpoena to testify and mileage at the rate of \$0.25 per mile from the residence of the witness to the place of hearing and return, shall be paid upon presentation of a voucher signed by the individual entitled thereto and properly certified by a member of the hearing officer before whom the individual appeared as a witness.

(b) Witness fees at the rate of \$2.00 for each day of attendance upon a hearing in response to a subpoena duces tecum and mileage at the rate of \$0.25 per mile from the residence of the witness to the place of hearing and return, shall be paid upon the presentation of a voucher signed by the individual entitled thereto and properly certified by the hearing officer before whom the individual appeared as a witness.