

CHAPTER 235

RULES OF THE DIVISION OF WORKERS
COMPENSATION

Authority

N.J.S.A. 34:1-20, 34:1A-3(e), 34:1A-12(b), (c) and 34:15-64.

Source and Effective Date

R.1996 d.184, effective March 11, 1996.
See: 28 N.J.R. 790(a), 28 N.J.R. 1859(a).

Executive Order No. 66(1978) Expiration Date

Chapter 235, Rules of the Division of Workers Compensation,
expires on March 11, 2001.

Chapter Historical Note

All provisions of Chapter 235 became effective prior to September 1,
1969.

1971 Revisions: Amendments became effective January 1, 1971 as
R.1970 d.99. See: 2 N.J.R. 75(c).

1972 Revisions: Amendments became effective January 1, 1972 as
R.1971 d.140. See: 3 N.J.R. 180(a).

1973 Revisions: Amendments became effective January 1, 1973 as
R.1972 d.159. See: 4 N.J.R. 222(a).

1974 Revisions: Amendments became effective January 1, 1974 as
R.1973 d.218. See: 5 N.J.R. 316(b).

1975 Revisions: Amendments became effective January 1, 1975 as
R.1974 d.235. See: 6 N.J.R. 352(c). Further amendments became
effective March 24, 1975 as R.1975 d.43. See: 7 N.J.R. 61(b), 7 N.J.R.
169(a).

1976 Revisions: Amendments became effective January 1, 1976 as
R.1975 d.252. See: 7 N.J.R. 433(a).

1977 Revisions: Amendments became effective January 1, 1977 as
R.1976 d.256. See: 8 N.J.R. 424(a). Further amendments became
effective October 26, 1977 as R.1977 d.406. See: 9 N.J.R. 537(b).

1978 Revisions: Amendments became effective January 1, 1978 as
R.1977 d.296. See: 9 N.J.R. 439(a).

1979 Revisions: Amendments became effective January 1, 1979 as
R.1978 d.283. See: 10 N.J.R. 400(c).

1980 Revisions: Amendments became effective January 1, 1980 as
R.1979 d.319. See: 11 N.J.R. 449(b).

1981 Revisions: Amendments became effective January 1, 1981 as
R.1980 d.357. See: 12 N.J.R. 543(d).

1982 Revisions: Amendments became effective January 1, 1982 as
R.1981 d.420. See: 13 N.J.R. 604(c), 13 N.J.R. 777(d). Further
amendments became effective November 1, 1982 (operative January 1,
1983) as R.1982 d.380. See: 14 N.J.R. 970(b), 14 N.J.R. 1219(c).

1983 Revisions: Amendments became effective November 21, 1983
(operative January 1, 1984) as R.1983 d.520. See: 15 N.J.R. 1437(a),
15 N.J.R. 1945(a). Further amendments became effective November
21, 1983 (operative January 1, 1984) as R.1983 d.520. See: 15 N.J.R.
1437(a), 15 N.J.R. 1945(a).

1984 Revisions: Amendments became effective November 5, 1984 as
R.1984 d.522. See: 16 N.J.R. 2346(a), 16 N.J.R. 3054(a).

1985 Revisions: Amendments became effective November 4, 1985
(operative January 1, 1986) as R.1985 d.541. See: 17 N.J.R. 2090(a),
17 N.J.R. 2668(b).

1986 Revisions: Chapter 235 was repealed and a new Chapter 235,
Rules of the Division of Workers Compensation, was adopted effective
May 5, 1986 as R.1986 d.144. See: 17 N.J.R. 2081(a), 18 N.J.R.
987(a). Amendments became effective November 17, 1986 as R.1986
d.455. See: 18 N.J.R. 1788(b), 18 N.J.R. 2331(d).

1987 Revisions: Amendments became effective November 16, 1987
as R.1987 d.472. See: 19 N.J.R. 1624(a), 19 N.J.R. 2197(a).

1988 Revisions: Subchapter 13, Surcharge Collection Procedures,
was adopted as new rules by R.1988 d.586, effective December 19,
1988. See: 20 N.J.R. 2522(a), 20 N.J.R. 3139(a).

1989 Revisions: Sections 3.11 through 3.18 were repealed and new
rules were adopted for sections 3.11 through 3.23, effective January 3,
1989 as R.1989 d.24. See: 20 N.J.R. 2442(c), 21 N.J.R. 23(a).

1990 Revisions: N.J.A.C. 12:235-3.11 through 3.23 were invalidated
by the N.J. Superior Court, Appellate Division (see 23 N.J.R. 207(a)).
Subchapter 14, Uninsured Employer's Fund, was adopted as new rules
by R.1990 d.338, effective July 2, 1990. See: 22 N.J.R. 3852(a), 22
N.J.R. 2023(a).

1991 Revisions: Pursuant to Executive Order No. 66(1978), Chapter
235 was readopted by R.1991 d.275, effective May 3, 1991. See: 23
N.J.R. 834(a), 23 N.J.R. 1819(a).

Pursuant to Executive Order No. 66(1978), Chapter 235 was readopt-
ed as R.1996 d.184, effective March 11, 1996. See: Source and
Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 12:235-1.1 Purpose; scope
- 12:235-1.2 Construction
- 12:235-1.3 Certification in lieu of oath
- 12:235-1.4 through 12:235-1.5 (Reserved)
- 12:235-1.6 Maximum workers' compensation benefit rates
- 12:235-1.7 through 12:235-1.8 (Reserved)

SUBCHAPTER 2. DEFINITIONS

- 12:235-2.1 Definitions

SUBCHAPTER 3. CONDUCT OF JUDGES OF
COMPENSATION

- 12:235-3.1 Promptness
- 12:235-3.2 Courtesy and civility
- 12:235-3.3 Conduct of attorneys
- 12:235-3.4 Conduct of witnesses and others having business before
the court
- 12:235-3.5 Kinship or influence: disqualification
- 12:235-3.6 Conflict of interest
- 12:235-3.7 Partisan politics
- 12:235-3.8 Self-interest
- 12:235-3.9 Gifts and favors
- 12:235-3.10 Medical reports
- 12:235-3.11 Commission on Judicial Performance
- 12:235-3.12 Removal from office
- 12:235-3.13 Prosecution of removal proceedings
- 12:235-3.14 Suspension pending resolution of the proceeding
- 12:235-3.15 Right to counsel
- 12:235-3.16 Formal proceedings for removal, suspension or reprimand,
public or private
- 12:235-3.17 Informal proceedings for minor discipline
- 12:235-3.18 Forms of discipline other than removal
- 12:235-3.19 Confidentiality

12:235-3.20 Judicial independence

SUBCHAPTER 4. ASSIGNMENT AND SUPERVISION OF JUDGES OF COMPENSATION

- 12:235-4.1 Assignment of judges
- 12:235-4.2 Assignment to supervisory positions
- 12:235-4.3 Personnel functions

SUBCHAPTER 5. FORMAL CLAIMS

- 12:235-5.1 Initial pleadings
- 12:235-5.2 Motions for temporary disability and/or medical benefits
- 12:235-5.3 Other motions
- 12:235-5.4 Third-party joinder by respondent
- 12:235-5.5 Conditions allowable for discovery
- 12:235-5.6 Discovery
- 12:235-5.7 Testimony of injured or ill petitioner by depositions
- 12:235-5.8 Certification of pre-existing conditions
- 12:235-5.9 Pre-trial conference
- 12:235-5.10 Conduct of formal hearings
- 12:235-5.11 Orders approving settlement reached pursuant to N.J.S.A. 34:15-20
- 12:235-5.12 Notice of appeal
- 12:235-5.13 Interpreters
- 12:235-5.14 Enforcement of orders

SUBCHAPTER 6. INFORMAL HEARINGS

- 12:235-6.1 Purpose of informal hearings
- 12:235-6.2 Filing of an application for an informal hearing
- 12:235-6.3 Contents of the application
- 12:235-6.4 Scheduling of informal hearings
- 12:235-6.5 Attendance at hearing
- 12:235-6.6 Representative of employer or carrier
- 12:235-6.7 Registration of representatives for employers or carriers
- 12:235-6.8 Representation of claimant
- 12:235-6.9 Solicitation of compensation claims
- 12:235-6.10 Procedure where employer has no insurance
- 12:235-6.11 Allowance of attorney fees
- 12:235-6.12 Commencement of informal hearings
- 12:235-6.13 Determination of issues
- 12:235-6.14 Acceptance of settlement recommendations and entry of informal award
- 12:235-6.15 Fee for service of physician
- 12:235-6.16 Denial of compensability or refusal to accept findings of informal hearings
- 12:235-6.17 Failure of employer or carrier to appear
- 12:235-6.18 Adjournment
- 12:235-6.19 (Reserved)

SUBCHAPTER 7. SECOND INJURY FUND CASES

- 12:235-7.1 General procedure
- 12:235-7.2 Hearing
- 12:235-7.3 Payment of benefits
- 12:235-7.4 Filing

SUBCHAPTER 8. COMMUTATION OF AWARD

- 12:235-8.1 Application for commutation
- 12:235-8.2 Application form for commutation
- 12:235-8.3 Approval or disapproval of application for commutation

SUBCHAPTER 9. DISCRIMINATION COMPLAINTS

- 12:235-9.1 Filing discrimination complaints
- 12:235-9.2 Contents of discrimination complaints
- 12:235-9.3 Attachments to discrimination complaints
- 12:235-9.4 Investigation of discrimination complaints; appeal procedures
- 12:235-9.5 (Reserved)

SUBCHAPTER 10. ACCIDENT REPORTS

- 12:235-10.1 Employer's first report of accidental injury or occupational disease
- 12:235-10.2 Employer's second report of accidental injury or occupational disease
- 12:235-10.3 Insurer's initial notice of accident
- 12:235-10.4 Insurer's final report of accident
- 12:235-10.5 Report of death
- 12:235-10.6 Compliance with N.J.S.A. 34:15-96 through N.J.S.A. 34:15-102

SUBCHAPTER 11. SURCHARGE COLLECTION PROCEDURES

- 12:235-11.1 Purpose and scope
- 12:235-11.2 Definitions
- 12:235-11.3 Reporting compensation paid
- 12:235-11.4 Calculation and notification of surcharge
- 12:235-11.5 Surcharge collection procedure
- 12:235-11.6 Verification and audit procedures
- 12:235-11.7 Earned premium notification
- 12:235-11.8 Forms
- 12:235-11.9 Penalties

SUBCHAPTER 12. UNINSURED EMPLOYER'S FUND

- 12:235-12.1 Purpose; scope
- 12:235-12.2 Filing notice of an uninsured claim; personal service; third-party joinder
- 12:235-12.3 Certification
- 12:235-12.4 Medical bills; physician's examination
- 12:235-12.5 Assignment of cases; schedules
- 12:235-12.6 Payments from the UEF
- 12:235-12.7 Attorney fees

SUBCHAPTER 13. ENFORCEMENT AND COLLECTION OF NON-INSURANCE PENALTIES

- 12:235-13.1 General
- 12:235-13.2 Notice and demand for proof of coverage
- 12:235-13.3 Acceptable proofs
- 12:235-13.4 Failure to respond
- 12:235-13.5 Hearings
- 12:235-13.6 Payments

SUBCHAPTER 14. STANDARD FORMS

- 12:235-14.1 Listing of forms
- 12:235-14.2 Sample forms

SUBCHAPTER 1. GENERAL PROVISIONS

12:235-1.1 Purpose; scope

(a) The purpose of this chapter is to establish rules to carry out the responsibilities of the Division of Workers' Compensation under the Act.

(b) This chapter shall apply to all persons subject to Workers' Compensation Law, N.J.S.A. 34:15-7 et seq.

Amended by R.1991 d.466, effective September 3, 1991.

See: 23 N.J.R. 1759(a), 23 N.J.R. 2642(a).

Title and citation repealed; purpose recodified from 1.3; scope recodified from 1.4.

Amended by R.1997 d.110, effective March 3, 1997.

See: 28 N.J.R. 4067(a), 29 N.J.R. 799(a).

In (a), amended N.J.S.A. reference.