

Workers' Compensation Court lacked jurisdiction to act on cases where petitioners were covered under Longshore and Harbor Workers' Act. *Morin v. Universal Maritime*, 96 N.J.A.R.2d (WCC) 46.

Employee's continuing psychiatric treatment for pre-existing mental condition aggravated by work-related injury. *Flaherty v. Monmouth Sailing Center, Inc.*, 93 N.J.A.R.2d (WCC) 166.

Lumbosacral strain and left lumbar radiculopathy resulting from compensable accident equaled 40% of permanent partial disability, and claimant suffered from anxiety reaction to extent of 10% of permanent partial disability. *Wielgosz v. Ortho Diagnostics*, 93 N.J.A.R.2d (WCC) 163.

Mechanic was employee of owner of repair shop. *Breeden v. Dawson Automotive, Inc.*, 93 N.J.A.R.2d (WCC) 156.

Cancer and death were caused by exposure to carcinogens during the course of employment. *Rodriguez v. Sherwin Williams Paint Co.*, 93 N.J.A.R.2d (WCC) 153.

Receptionist/bookkeeper was entitled to psychiatric treatment, temporary disability benefits, and permanent disability as result of derisive and abusive language and behavior by owners. *Erhard v. Dee Rose Furniture of Brick Town Inc.*, 93 N.J.A.R.2d (WCC) 146.

Drywall finisher was employee rather than an independent contractor and accident arose out of and in course of employment. *Lopez v. P & B Partitions*, 93 N.J.A.R.2d (WCC) 143.

Temporarily disabled employee could not receive both unemployment benefits and disability compensation at the same time. *Khalil v. Revlon, Incorporated*, 93 N.J.A.R.2d (WCC) 135.

### 12:235-1.2 Construction

The rules contained in this chapter shall be construed to secure a just determination, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay. Unless otherwise stated, any rule may be relaxed or dispensed with if strict adherence would cause an injustice.

Amended by R.1991 d.466, effective September 3, 1991.  
See: 23 N.J.R. 1759(a), 23 N.J.R. 2642(a).

Authority deleted; construction recodified from 1.5.

#### Case Notes

Penalty for late filing of unemployment compensation returns was warranted on basis of postmark found on envelope. *Star Crest v. Department of Labor*, 95 N.J.A.R.2d (LBR) 17.

### 12:235-1.3 Certification in lieu of oath

(a) Claim petitions shall be notarized and filed under oath as set forth in N.J.S.A. 34:15-51 and 34:15-52 and in accordance with N.J.A.C. 12:235-3.1.

(b) Certifications in lieu of oath as provided in the New Jersey Rules of Court may be used for motions and any other supporting documents filed with the Court.

New Rule, R.1997 d.110, effective March 3, 1997.

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

Amended by R.2002 d.340, effective October 21, 2002.

See: 34 N.J.R. 2257(a), 34 N.J.R. 2549(a), 34 N.J.R. 3641(d).

Designated paragraphs as (a) and (b); in (a), deleted "and answers" following "petitions" and added "and in accordance with N.J.A.C. 12:235-3.1"; in (b), inserted "New Jersey" preceding "Rules" and "supporting" preceding "documents".

### 12:235-1.4 Still and television camera and audio coverage of proceedings

(a) All requests for still and television camera and audio coverage of proceedings shall be forwarded to the Chief Judge.

(b) Such requests shall be considered in accordance with the "New Jersey Supreme Court Guidelines for Still and Television Camera and Audio Coverage of Proceedings in the Courts of New Jersey," incorporated herein by references as amended and supplemented which may be obtained by requesting: Vicinage Operations Directive #10-03, October 8, 2003 from the Administrative Office of the Courts, Hughes Justice Complex, 25 West Market Street, PO Box 037, Trenton, New Jersey 08625-037.

New Rule, R.2004 d.263, effective July 6, 2004.

See: 36 N.J.R. 1350(a), 36 N.J.R. 3294(a).

### 12:235-1.5 (Reserved)

### 12:235-1.6 Maximum workers' compensation benefit rates

(a) In accordance with the provisions of N.J.S.A. 34:15-12.a, the maximum workers' compensation benefit rate for temporary disability, permanent total disability, permanent partial disability, and dependency is hereby promulgated as being \$843.00 per week.

(b) The maximum compensation shall be effective as to injuries occurring in the calendar year 2014.

Amended by R.1986 d.455, effective November 17, 1986.

See: 18 N.J.R. 1788(b), 18 N.J.R. 2331(d).

Benefit rates raised.

Amended by R.1987 d.472, effective November 16, 1987.

See: 19 N.J.R. 1624(a), 19 N.J.R. 2197(a).

Benefit rate raised from \$302.00 to \$320.00.

Amended by R.1988 d.536, effective November 7, 1988.

See: 20 N.J.R. 2188(a), 20 N.J.R. 2786(b).

Benefit rate raised from \$320.00 to \$342.00.

Amended by R.1989 d.563, effective November 6, 1989.

See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).

Weekly benefit rates increased to \$370.00 for the 1990 calendar year.

Amended by R.1990 d.596, effective December 3, 1990.

See: 22 N.J.R. 2886(a), 22 N.J.R. 3628(a).

Weekly benefit rates increased to \$385.00 for the 1991 calendar year.

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

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

Section was "Workers' compensation benefits rates".

New Rule, R.1991 d.574, effective December 16, 1991.

See: 23 N.J.R. 2612(a), 23 N.J.R. 3818(a).

Amended by R.1992 d.467, effective November 16, 1992.

See: 24 N.J.R. 3015(a), 24 N.J.R. 4270(a).

Revised text.

Amended by R.1993 d.591, effective November 15, 1993.

See: 25 N.J.R. 3925(a), 25 N.J.R. 5352(b).

Amended by R.1994 d.553, effective November 7, 1994.

See: 26 N.J.R. 3594(b), 26 N.J.R. 4410(b).

Amended by R.1995 d.627, effective December 4, 1995.

See: 27 N.J.R. 3762(a), 27 N.J.R. 4898(b).

Amended by R.1996 d.516, effective November 4, 1996.

See: 28 N.J.R. 4077(a), 28 N.J.R. 4794(a).

Amended by R.1997 d.469, effective November 3, 1997.

See: 29 N.J.R. 3770(a), 29 N.J.R. 4704(a).

In (a), changed the benefit rate; and in (b), substituted "1998" for "1997".

Amended by R.1998 d.549, effective November 16, 1998.

See: 30 N.J.R. 3154(a), 30 N.J.R. 4054(a).

In (a), raised benefit rate for temporary disability from \$516.00 to \$539.00 per week; and in (b), changed calendar year to 1999.

Amended by R.1999 d.441, effective December 20, 1999.

See: 31 N.J.R. 3039(a), 31 N.J.R. 4286(a).

In (a), increased the maximum rate; and in (b), substituted a reference to 2000 for a reference to 1999.

Amended by R.2000 d.490, effective December 4, 2000.

See: 32 N.J.R. 3381(a), 32 N.J.R. 4259(b).

In (a), substituted "\$591.00" for "\$568.00"; and in (b), substituted "2001" for "2000".

Amended by R.2001 d.407, effective November 5, 2001.

See: 33 N.J.R. 2946(a), 33 N.J.R. 3752(b).

In (a), substituted "\$629.00" for "\$591.00"; in (b), substituted "2002" for "2001".

Amended by R.2002 d.392, effective December 2, 2002.

See: 34 N.J.R. 3057(a), 34 N.J.R. 4222(b).

In (a), substituted "\$638.00" for "\$629.00"; in (b), substituted "2003" for "2002".

Amended by R.2003 d.504, effective December 15, 2003.

See: 35 N.J.R. 4040(a), 35 N.J.R. 5547(a).

In (a), substituted "\$ 650.00" for "\$ 638.00"; in (b), substituted "2004" for "2003".

Amended by R.2004 d.474, effective December 20, 2004.

See: 36 N.J.R. 3987(a), 36 N.J.R. 5685(a).

In (a), substituted "\$666.00" for "\$650.00"; in (b), substituted "2005" for "2004".

Amended by R.2005 d.450, effective December 19, 2005.

See: 37 N.J.R. 3220(a), 37 N.J.R. 5045(b).

In (a), increased the benefit rate from \$666.00 to \$691.00; in (b), updated the calendar year from 2005 to 2006.

Amended by R.2006 d.449, effective December 18, 2006.

See: 38 N.J.R. 3486(a), 38 N.J.R. 5389(b).

In (a), substituted "\$711.00" for "\$691.00"; and in (b), substituted "2007" for "2006".

Amended by R.2007 d.390, effective December 17, 2007.

See: 39 N.J.R. 3714(a), 39 N.J.R. 5348(a).

In (a), substituted "\$742.00" for "\$711.00"; and in (b), substituted "2008" for "2007".

Amended by R.2008 d.377, effective December 15, 2008.

See: 40 N.J.R. 4914(a), 40 N.J.R. 6981(a).

In (a), substituted "\$773.00" for "\$742.00"; and in (b), substituted "2009" for "2008".

Amended by R.2009 d.392, effective December 21, 2009.

See: 41 N.J.R. 3197(a), 41 N.J.R. 4820(b).

In (a), deleted a comma following "partial disability" and substituted "\$794.00" for "\$773.00"; and in (b), substituted "2010" for "2009".

Amended by R.2010 d.302, effective December 20, 2010.

See: 42 N.J.R. 1994(a), 42 N.J.R. 3063(a).

In (a), substituted "\$792.00" for "\$794.00"; and in (b), substituted "2011" for "2010".

Amended by R.2011 d.316, effective December 19, 2011.

See: 43 N.J.R. 2277(a), 43 N.J.R. 3367(a).

In (a), substituted "\$810.00" for "\$792.00"; and in (b), substituted "2012" for "2011".

Amended by R.2012 d.203, effective December 17, 2012.

See: 44 N.J.R. 2163(a), 44 N.J.R. 3074(a).

In (a), inserted a comma following "permanent partial disability" and substituted "\$826.00" for "\$810.00"; and in (b), substituted "2013" for "2012".

Amended by R.2013 d.151, effective December 16, 2013.

See: 45 N.J.R. 2022(a), 45 N.J.R. 2603(a).

In (a), substituted "12.a" for "12(a)" and "\$843.00" for "\$826.00"; and in (b), substituted "2014" for "2013".

### 12:235-1.7 through 12:235-1.8 (Reserved)

## SUBCHAPTER 2. DEFINITIONS

### 12:235-2.1 Definitions

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

"Act" means Workers' Compensation Law, N.J.S.A. 34:15-7 et seq.

"Chief Judge" means the Director/Chief Judge of the Division.

"Commissioner" means the Commissioner of Labor and Workforce Development or his or her designee.

"Department" means the New Jersey Department of Labor and Workforce Development.

"Director" means Director/Chief Judge of the Division.

"Division" means the Division of Workers' Compensation, PO Box 381, Trenton, New Jersey 08625-0381.

"Judge" means Judge of Compensation.

"N.J.A.C." means New Jersey Administrative Code.

"N.J.S.A." means New Jersey Statutes Annotated.

"Respondent," "employer" or "insurance carrier" are used interchangeably.

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

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

Definition of Chief Judge added; definition of "shall" deleted.

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

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

Added "Judge" and amended "Act", "Chief Judge", and "Director".

Amended by R.2002 d.340, effective October 21, 2002.

See: 34 N.J.R. 2257(a), 34 N.J.R. 2549(a), 34 N.J.R. 3641(d).

Added "Department" and deleted "Office of Safety Compliance".

Amended by R.2006 d.305, effective August 21, 2006.

See: 38 N.J.R. 1521(a), 38 N.J.R. 3308(b).

In definitions "Commissioner" and "Department", inserted "and Workforce Development".

## SUBCHAPTER 3. FORMAL CLAIMS

### 12:235-3.1 Initial pleadings

(a) Claim petitions shall be subject to the following:

1. The claim petition may be filed electronically or on paper.

2. Claim petitions filed on paper shall be verified by the claimant and include the date of the signature and verification. The formal hearing process shall be initiated by the filing of a verified claim petition in duplicate with the central office of the Division within the time prescribed