

(c) Unless a stay is obtained from the appropriate appellate court or the Judge of Compensation, the failure to obey an order of the Judge of Compensation shall constitute grounds for compensatory sanctions against the attorney, the parties, or both. Filing of an appeal does not constitute an automatic stay of the judgment or order being appealed.

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

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

Recodified from N.J.A.C. 12:235-5.12 by R.1999 d.285, effective August 16, 1999.

See: 31 N.J.R. 737(a), 31 N.J.R. 923(a), 31 N.J.R. 2393(a).

(b) The informal hearing procedure is not expressly contained within the provisions of the Act.

(c) The filing of an application for an informal hearing will not toll the time limitation periods for the filing of a formal claim petition or a dependency claim petition as provided by the Act.

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

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

Stylistic changes.

## SUBCHAPTER 6. INFORMAL HEARINGS

### 12:235-6.1 Purpose of informal hearings

(a) The informal hearing process is a service provided by the Division to effectuate the amicable adjustment of controversies between injured workers and their employers involving their respective rights under the Act.

**12:235-6.2 Filing of an application for an informal hearing**

(a) The informal process is initiated by the filing of an application in duplicate with the Division.

(b) The filing for informal hearing may be made by any party of interest including the injured worker, petitioner's attorney, the employer, the employer's representative or insurance carrier, or the Division.

(c) The application shall be filed within the time periods prescribed for the filing of a formal claim petition.

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

**12:235-6.3 Contents of the application**

(a) The application for an informal hearing shall contain:

1. The worker's name, address, age, and social security number;
2. The employer's name and address;
3. The name of the employer's insurance carrier, if any;
4. The date of the accident;
5. A brief description of how the accident occurred;
6. A brief description of the injury.

**12:235-6.4 Scheduling of informal hearings**

(a) Upon receipt of the completed application the Division shall schedule the matter as soon as practicable.

(b) The Division shall give written notice of the time, place and name of the assigned Judge of Compensation to all parties involved in the controversy.

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

**12:235-6.5 Attendance at hearing**

The worker's attorney, employer, insurance carrier, or self-insured shall provide sufficient personnel to insure prompt attendance at the scheduled time and place of the hearing to expeditiously handle all listed cases.

**12:235-6.6 Representative of employer or carrier**

An employer or carrier shall be represented by an individual expressly empowered with authority to act on its behalf to agree or disagree with the recommendations made by the Judge of Compensation at the time of the hearing.

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

**12:235-6.7 Registration of representatives for employers or carriers**

(a) Each employer, carrier, or self-insured shall submit to the Director for distribution to all Judges of Compensation a list of each individual who will represent them at informal hearings.

(b) Each employer, carrier, or self-insured shall indicate that such individuals shall have the authority to represent and agree to settle on behalf of the respondent at informal proceedings.

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

**12:235-6.8 Representation of claimant**

(a) Only an attorney at law licensed to practice in the State of New Jersey shall act as attorney for a worker in any informal hearing.

(b) Deviation from (a) above shall only be permitted by consent of the Director.

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

**12:235-6.9 Solicitation of compensation claims**

No attorney nor any other person at the instance of an attorney shall solicit or cause to be solicited any compensation claim, nor shall any referral fee be paid to anyone not an attorney.

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

**12:235-6.10 Procedure where employer has no insurance**

Where it is brought to the attention of the Judge of Compensation that the employer has failed to comply with N.J.S.A. 34:15-71, written notice of such violation shall be given to the Director for appropriate action.

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

Text on appearance by persons convicted of crime deleted; text on procedure when employer has no insurance recodified from 6.11.

**12:235-6.11 Allowance of attorney fees**

(a) A Judge of Compensation conducting informal hearings may allow counsel a fee, where warranted, for services rendered on behalf of the worker, in an amount not to exceed 10 percent of the worker's award.

(b) The fee in (a) above shall be payable by the worker.

Amended by R.1991 d.466, effective September 3, 1991.  
See: 23 N.J.R. 1759(a), 23 N.J.R. 2642(a).  
Text on procedure when employer has no insurance recodified to 6.10; text on allowance of attorney fees recodified from 6.12.

**12:235-6.12 Commencement of informal hearings**

(a) Hearings shall be conducted by a Judge of Compensation designated by the Director.

(b) Hearings shall commence promptly at the time and place designated in the notice of informal hearing by a call of the daily court to ascertain the presence of all parties to the controversy and to identify those cases ready for disposition.

(c) Upon completion of the daily call, the Judge of Compensation shall inform all parties present of the order for hearing the ready cases and commence hearings, excusing those persons whose presence will not be required and granting those adjournments the Judge feels are warranted.

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

Text on allowance of attorney fees recodified to 6.11; text on commencement of informal hearings recodified from 6.13.

**12:235-6.13 Determination of issues**

(a) Upon a review of the application for the informal hearing and any supporting documents, the Judge of Compensation shall ascertain the areas of dispute and make recommendations to the parties to resolve any controversy as to unpaid temporary disability benefits and/or medical expenses.

(b) After a review of medical records or evaluation reports or both submitted by the parties and having personally inquired of the worker as to all present complaints, the Judge of Compensation shall make recommendations regarding permanent disability.

(c) In cases where there is insufficient factual or medical information upon which a recommendation can be made, the Judge of Compensation shall require either party to provide such information and shall adjourn the hearing until such time as the information is available.

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

Text on commencement of informal hearings recodified to 6.12; text on determination of issues recodified from 6.14.

**12:235-6.14 Acceptance of settlement recommendations and entry of informal award**

(a) When agreement has been reached by all parties and approved by the Judge of Compensation, the terms of such settlement shall be entered in the "Statement of Award," on a form prescribed by the Division.

(b) The claimant shall be fully advised of all rights under the Act.

(c) The "Statement of Award" shall be signed by the claimant, the employer or the employer's representative, and by the Judge of Compensation.

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

Text on determination of issues recodified to 6.13; text on acceptance of settlement recommendations and entry of informal award recodified from 6.15.

**Case Notes**

Pursuit of claim that was known but not disclosed during prior settlement hearing. *Hawkins v. RCA*, 94 N.J.A.R.2d (WCC) 235.

**12:235-6.15 Fee for service of physician**

A Judge of Compensation conducting an informal hearing may allow a fee to a physician for medical services rendered to a claimant for the term of a compensable injury, unless such treatment was not ordered or authorized by the employer or carrier.

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

Text on acceptance of settlement recommendations and entry of informal award recodified to 6.14; text on fee for service of physician recodified from 6.16.

**Case Notes**

Proper forum for medical provider's suit against worker, was Division of Workers' Compensation. *Kinley Physical Therapy Services, Inc. v. Kramer*, 256 N.J.Super. 355, 606 A.2d 1163 (L.1992).

**12:235-6.16 Denial of compensability or refusal to accept findings of informal hearings**

In cases where the employer or the representative denies compensability under the Act or where either party refuses to accept the recommendations made by the Judge of Compensation, the claimant shall be made aware of all statutory rights, including the right to obtain counsel, to file a formal claim petition, and the applicable time period within which a claim petition must be filed.

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

Text on fee for service of physician recodified to 6.15; text on denial of compensability or refusal to accept findings of informal hearings recodified from 6.17.

**12:235-6.17 Failure of employer or carrier to appear**

(a) If a worker is present and the employer or its carrier fails to appear, the Judge of Compensation shall inform the worker of:

1. The procedure and time limit relating to rescheduling for a rehearing;
2. The approximate date of rescheduling; and
3. The worker's statutory rights as stated at N.J.A.C. 12:235-6.16.

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

Text on denial of compensability or refusal to accept findings of informal hearings recodified to 6.16; text on failure of employer or carrier to appear recodified from 6.18.