

CHAPTER 210**APPAREL INDUSTRY REGISTRATION****Authority**

N.J.S.A. 34:1-20, 34:1A-3(e) and specifically, 34:6-144 and 151 as amended by P.L. 1991, c.189.

Source and Effective Date

R.1991 d.607, effective December 16, 1991.
See: 23 N.J.R. 2951(a), 23 N.J.R. 3816(b).

Executive Order No. 66(1978) Expiration Date

Chapter 210, Apparel Industry Registration, expires on December 16, 1996.

Chapter Historical Note

Chapter 210, Apparel Industry Registration System, became effective on September 6, 1988 as R.1988 d.439. See: 20 N.J.R. 1334(b), 20 N.J.R. 2306(a). The text of Chapter 210 was repealed and new rules were adopted by R.1991 d.607. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISION**12:210-1.1 Purpose and scope**

(a) The purpose of this subchapter is to establish a registration system which requires apparel industry manufacturers and contractors to register with the Department as a condition of doing business in the State.

(b) This subchapter is applicable to all apparel industry manufacturers and contractors who conduct business within the State of New Jersey.

12:210-1.2 Definitions

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

“Apparel industry” means the making, cutting, sewing, finishing, assembling, pressing or otherwise producing of apparel, designed or intended to be worn by any individual and sold or offered for sale for that purpose, but does not

include cleaning, pressing or tailoring services performed upon apparel sold or offered for sale at retail.

“Commissioner” means the Commissioner of Labor.

“Contractor” means any person who contracts to perform in this State the cutting, sewing, finishing, assembling, pressing or otherwise producing of any apparel, or a section of component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose. “Contractor” shall include, but not be limited to, a subcontractor, jobber or wholesaler, but shall not include a production employee employed for wages who does not employ others.

“Department” means the State Department of Labor.

“Manufacturer” means any person who contracts with a contractor to perform in this State the cutting, sewing, finishing, assembling, pressing or producing of any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose, or who cuts, sews, finishes, assembles, presses or otherwise produces in this State any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose. “Manufacturer” shall not include a production employee employed for wages who does not employ others.

“Production employee” means any person who is employed by a contractor or manufacturer directly to perform the cutting, sewing, finishing, assembling, pressing or otherwise producing of any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose.

12:210-1.3 Registration

(a) Prior to engaging in the apparel industry business in this State, a manufacturer or contractor shall register with the Department by completing a form prescribed by the Commissioner.

(b) The registration form shall contain, but not be limited to, the following information for all manufacturers and contractors.

1. The structure of the business, that is, sole proprietorship, partnership or corporation;
2. The manufacturer’s or contractor’s name and principal business address in the State; and the name and address of each person with a financial interest in the manufacturer’s or contractor’s business and the amount of that interest, except that if the manufacturer or contractor

is a publicly traded corporation, only the names and addresses of the corporate officers shall be required;

3. The tax identification number;

4. If the registrant is a contractor the registrant must list all manufacturers to whom the registrant will be subcontracting this work. The list shall contain the name, address and tax identification (I.D.) numbers of the manufacturers and/or subcontractors; and

5. A certified list of all violations of any of New Jersey's labor laws or regulations for the period of three years prior to this current application must accompany the registration form.

(c) Divisions, subsidiary corporations or related companies may be named and included under one omnibus registration.

(d) The Commissioner shall issue a certificate of registration upon receipt of the following:

1. A manufacturer's or contractor's completed registration form;

2. Documentation which is suitable to the Commissioner or his or her authorized representative that the manufacturer or contractor has paid any surety bond required pursuant to N.J.S.A. 34:6-150;

3. Documentation that the registrant has workers' compensation coverage for his or her production employees working in the State; and

4. Payment of the \$300.00 registration fee made payable to the Commissioner of Labor, Apparel Registration.

(e) New manufacturers or contractors shall file the initial registration upon the commencement of business in the apparel industry in this State. The registration shall be valid until January 15 of the following year.

(f) The certificate of registration shall be renewed by January 15 of each year.

12:210-1.4 Apparel Industry Unit

(a) There is established an Apparel Industry unit, comprised of Departmental personnel, to enforce all State labor laws which affect the apparel industry.

(b) The Apparel Industry Unit has the power to:

1. Inspect manufacturers and contractors, with respect to their production employees, for compliance with:

i. The registration requirements of N.J.A.C. 12:210-1.3;

ii. State wage and hour, unemployment compensation, temporary disability, workers' compensation, child labor and industrial homework laws; and

iii. All orders and assessments of civil penalties by the Commissioner;

2. Investigate and conduct inspections of a manufacturers' or contractors' locations, books, records and premises to ensure compliance with this subchapter; and

3. Take any action necessary to implement the provisions of this subchapter.

(c) The Apparel Industry Unit members shall receive special training with regard to the State labor laws to enable them to enforce the provisions of this subchapter.

12:210-1.5 Violations; penalties

(a) The following acts constitute violations of this subchapter:

1. Failure to comply with the registration requirements pursuant to N.J.A.C. 12:210-1.3;

2. Performing services or representing oneself as being registered to perform apparel industry services without holding a valid registration;

3. Contracting for the performance of an apparel industry service with a manufacturer or contractor who is known to have failed to register, renew its registration, or whose registration has been revoked; and

4. Failure to comply, for the second time in three years, with an order of the Commissioner concerning registration compliance.

(b) The following civil penalties may be imposed by the Commissioner for committing the violations in (a)1 through 4 above:

1. A fine of up to \$1,000 for an initial violation;

2. A fine of up to \$2,000 for each subsequent violation.

(c) Penalties shall be payable to the Commissioner of Labor, Apparel Registration.

(d) An intentional failure to comply with the registration requirements shall be a crime of the fourth degree.

(e) If a manufacturer or contractor fails to comply with an order by the Commissioner to register or renew registration, the Commissioner may obtain an injunction prohibiting the manufacturer or contractor from conducting business.

(f) If a manufacturer or contractor is found guilty, after a hearing held pursuant to the Administrative Procedure Act, N.J.S.A. 51:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, of two violations of the same provision of this subchapter in three years, the Commissioner may suspend the registration of any such manufacturer or contractor for a period ranging from 30 days to one year.

(g) Any manufacturer or contractor who contracts, for the second time in three years, with a manufacturer or contractor who is known to have failed to comply with the registration requirements in N.J.A.C. 12:210-1.3, shall be liable to pay any civil penalty assessed against the known violator, if such violator has not paid the penalty.

(h) As an alternative or in addition to any other sanctions provided for in N.J.S.A. 34:6-149(e) when the Commissioner of Labor finds that an employer has violated the Act, the Commissioner is authorized to assess and collect an administrative penalty in the amounts that follow:

- i. First violation—not more than \$250.00;
- ii. Second and subsequent violations—not less than \$25.00 nor more than \$500.00.

(i) No administrative penalty shall be levied pursuant to this subchapter unless the Commissioner provides the alleged violator with notification by certified mail of the violation and the amount of the penalty and an opportunity to request a formal hearing. A request for a formal hearing must be received within 15 working days following the receipt of the notice.

1. The notice shall become the Final Order upon the expiration of the 15-working day period following receipt of the notice if a hearing is not requested.

12:210-1.6 Records

(a) Each manufacturer and contractor shall keep accurate records regarding all of its production employees during the preceding three years and make those records available to the apparel industry unit upon request. The records shall include:

1. The name and address of each production employee and the age of each production employee who is a minor;
2. The number of hours of work and the time of day that work begins and ends for each production employee;
3. The wages, wage rates, and piece rates paid during each payroll period;
4. The number of pieces per hour when piece rate is paid; and
5. Contract worksheets indicating the price per unit agreed between manufacturer and contractor.

12:210-1.7 Surety bond

(a) The Commissioner or his or her duly authorized designee may, after a hearing thereon, and after due consideration of the size and past experience of the manufacturer or contractor and the seriousness of the violation, require as a condition of continued registration the payment of a surety bond or may revoke, by order, the registration of any manufacturer or contractor for any period ranging from 30 days to one year upon being found guilty of:

1. A second violation of the same provision of the Apparel Registration Act within any three-year period; or
2. A second violation within any three-year period of the same provision of any other labor law applicable to employment of production employees.

(b) Each week in which a violation occurs constitutes a separate violation.

(c) The surety shall be made payable to the State and shall be for the benefit of production employees damaged by any failure to the manufacturer or contractor to pay wages or benefits or otherwise comply with the provisions of law. The surety bond shall be in the sum and form that the Commissioner deems necessary for the protection of the production employees, but shall not exceed \$2,500 per production employee.

(d) Surety may be held for a period of two years from the date the employer's operation ceases.

12:210-1.8 Hearings

(a) When the Commissioner assesses an administrative penalty under N.J.A.C. 12:210-1.5 the employer shall have the right to a hearing under (b) below.

(b) No administrative penalty shall be levied pursuant to this subchapter unless the Commissioner provides the alleged violator with notification by certified mail of the violation and the amount of the penalty and an opportunity to request a formal hearing. A request for a formal hearing must be received within 15 working days following the receipt of the notice. All hearings shall be heard pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(c) The Commissioner shall make the final decision of the Department.

(d) Appeals of the final decision of the Commissioner shall be made to the Appellate Division of the New Jersey Superior Court.

(e) Recipients of an administrative penalty assessment may request the initiation of a settlement conference at the time that a hearing request is made.

(f) If the employer, or a designated representative of the employer, fails to appear at a requested hearing, the Commissioner or his or her designee may, for good cause shown, re-schedule a hearing.

(g) If the Commissioner or his or her designee does not authorize such a re-scheduled hearing, then the Commissioner shall issue a final agency determination effective upon the date set for the original hearing.

(h) Payment of the penalty is due when a final agency determination is issued.

(i) Upon final order the penalty imposed may be recovered with cost in a summary proceeding commenced by the Commissioner pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

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.

12:235-1.3 through 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 \$480.00 per week.

(b) This maximum compensation shall be effective as to injuries occurring in the calendar year 1996.

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).

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. 34:15-1 et seq., 43:21-30 and 43:21-41.

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

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

"Commissioner" means the Commissioner of Labor or his or her designee.

"Director" means director of the division.

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

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

"Office of Safety Compliance" means the Office of Safety Compliance, in the Division of Workplace Standards, New Jersey Department of Labor, CN 386, Trenton, New Jersey 08625-0386.

"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.

SUBCHAPTER 3. CONDUCT OF JUDGES OF COMPENSATION

12:235-3.1 Promptness

(a) Judges of Compensation shall be prompt in the performance of all duties, including, but not limited to:

1. Convening hearings at the time and in the manner established by the Director.
2. Completing final disposition of cases; and
3. Completing and forwarding to the Director at regular intervals performance records and other data relating to judicial performance in a manner established by 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).

Manner of hearing and submission of data to be specified by the Director.

12:235-3.2 Courtesy and civility

(a) Judges of Compensation shall be impartial and courteous to parties, counsel, and all others appearing or concerned with the administration of justice in the court.

(b) Judges of Compensation shall require, so far as their power extends, that those individuals assisting the Judge in the administration of the function of the court extend the same civility and courtesy to counsel and all others having business in the court.

(c) The conduct of a Judge of Compensation shall be free from impropriety and the appearance of impropriety. Their personal demeanor, not only on the bench and in the performance of their judicial duties, but also in their everyday life, shall be beyond reproach. Judges shall be temperate, attentive, patient, and impartial.

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.

12:235-3.3 Conduct of attorneys

(a) Attorneys shall conduct themselves in a professional manner at all times, as defined by the Rules of Professional Conduct.

(b) Judges of Compensation shall report to the Supervising Judge and Director all instances of attorney conduct in contravention of the Rules of Professional Conduct.

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

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

Reference to Rules of Professional Conduct added.

12:235-3.4 Conduct of witnesses and others having business before the court

(a) Witnesses and others having business before the court shall conduct themselves in a proper manner.

(b) Judges of Compensation shall report to the Supervising Judge and Director all instances of improper, unethical or illegal practices by any expert witness, interpreter, court reporter, or party before the Judge.

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

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

Conduct of witnesses and others specified.

12:235-3.5 Kinship or influence: disqualification

(a) Judges of Compensation shall not act upon or hear a controversy, or a portion thereof where a relative of the Judge or the Judge's spouse within the third degree of relationship to either is a party before the Judge.

(b) If a relative of the Judge or the Judge's spouse within the third degree of relationship to either, former partner, business associate, or personal friend is scheduled to appear before a Judge of Compensation, the Judge shall disqualify himself or herself from hearing the matter and promptly notify the Supervising Judge and the Director for rescheduling of the matter.

(c) Judges of Compensation shall disqualify themselves from all other matters in which they are unable to conduct a fair and unbiased 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.

12:235-3.6 Conflict of interest

(a) Judges of Compensation shall not:

1. Engage in any activity which requires the performance of duties inconsistent with their position of authority; or
2. Incur any obligation, pecuniary or otherwise, which would in any way interfere or appear to interfere with their duty to effectuate the proper administration of their official functions.

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.

12:235-3.7 Partisan politics

(a) Judges of Compensation shall be entitled to entertain personal views of political questions, and while they are not required to surrender their rights or opinions as citizens, it is inevitable that suspicions of being influenced by political bias will attach to an individual who becomes an active promoter of the interests of a political party.

(b) Judges of Compensation shall not:

1. Hold any elective office;
2. Be a candidate for any elective office;
3. Make political speeches on behalf of any candidate seeking political office;
4. Solicit contributions for party funds;
5. Make public endorsements of candidates for political office;
6. Participate in party conventions of any level or attend political functions; or
7. Accept or retain any position on a party committee, or subdivision.

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.

Case Notes

Compensation judge clearly abused his discretion by refusing to continue hearing on claimant's motion when counsel received copy of employer's medical expert's report moments before hearing. *Waters v. Island Transp. Corp.*, 229 N.J.Super. 541, 552 A.2d 205 (A.D.1989).

Workers' compensation judge must respect and ensure due process and fundamental rights of litigants. *Waters v. Island Transp. Corp.*, 229 N.J.Super. 541, 552 A.2d 205 (A.D.1989).

There was no waiver of cross-examination of petitioner's medical witness by failure of request in pre-trial memorandum (citing former N.J.A.C. 12:235-4.16, 5.55, 5.56 and 5.62). *Indelicato v. Town of West New York*, 170 N.J.Super. 563, 407 A.2d 837 (App.Div.1979).

12:235-5.10 Conduct of formal hearings

(a) Attorneys representing both petitioners and respondents shall provide sufficient personnel to handle all lists expeditiously.

(b) Only an attorney at law licensed to practice in the State of New Jersey shall act as attorney of record, or appear and prosecute or defend any action in any formal hearing.

(c) Hearings shall be scheduled by the Director or a designated representative of the Director.

(d) The Judge of Compensation shall, at the commencement of the day, call the list of cases in open court. No adjournment shall be granted unless there is found to be good cause. No adjournment shall be granted for medical examination unless the name of the examining physician and date of examination are supplied.

(e) Trials shall commence and continue in a timely manner subject to scheduling constraints of the Division. Said scheduling may be accelerated as ordered by the Director, the Supervising Judge of the vicinage or the Judge of Compensation to whom the case has been assigned.

(f) All formal hearings or applications shall be conducted in open court, except when the Supervising Judge of the district deems the matter to be so delicate that the hearing of a party or witness in camera is warranted. When this occurs, a stenographic record shall be made.

1. Bifurcation of any trial may be permitted by the Judge of Compensation. The order of proof shall be determined by the Judge of Compensation to whom the case is assigned.

(g) All formal hearings including motions where a record is required shall be recorded stenographically by a certified shorthand reporter subject to such limitation as may be provided by statute.

1. Upon a determination reached at the conclusion of all hearings, including motions, the cost for the attendance of the certified shorthand reporter shall be assessed by the Judge of Compensation. Transcripts of the testimony may be obtained from the certified shorthand reporter at the official scheduled rates.

(h) When there are pending in the Division two or more formal proceedings involving a common question of law or fact arising out of employment by the same employer or different employers, or out of the same accident or series of accidents, or out of the same exposure or series of exposures, to causes of occupational disease, the Judge of Compensation or the Director may, on motion, or on the Judge's own initiative, order a joint hearing of any or all matters in issue. The Director may order all such proceedings consolidated, and have such orders concerning proceedings designed to avoid unnecessary costs or delay. The order shall state the county in which the consolidated proceedings are to be heard.

(i) Upon the commencement of a formal hearing, counsel may make opening statements on behalf of their respective clients. All matters agreed upon shall be stipulated upon the record. However, this shall not bar the parties from making further stipulations as the trial proceeds, until the close of the formal hearing.

(j) Counsel may make closing statements or file post-trial briefs. Post-trial briefs, if ordered or volunteered, shall be submitted within 15 days after the conclusion of the hearing. Each party thereafter may have seven days to file a reply brief, if so desired or ordered.

(k) Prior to the testimony of an expert witness, the producing party shall provide the Judge of Compensation and opposing counsel with a written curriculum vitae of the witness.

(l) Questions calling for the opinion of an expert witness need not be hypothetical in form, unless the Judge of Compensation in the Judge's discretion so requires. If the hypothetical question is submitted in written form, counsel shall provide sufficient copies for the Judge of Compensation, opposing counsel, the witness and the stenographer, and the hypothetical question may be marked as an exhibit in the proceedings in lieu of reading it to the witness.

(m) All medical experts for both parties who regularly examine petitioners to determine the nature and extent of their disability shall adhere to the vacation schedules established annually by the Director. If such medical expert is not available to testify because of an unexcused absence at any other time, the Judge of Compensation may require the party for whom such medical witness is to appear, to arrange for an examination and appearance at trial by another medical expert.

1. A medical expert who regularly examines petitioners means a medical expert who performs a minimum of 25 workers' compensation examinations per year.

(n) All exhibits shall be marked with an identifying number, the date of submission and initials of the court reporter.

Case Notes

1. An exhibit list shall be prepared by the Judge to be retained in the file and forwarded to the Division for microfilming and storage.

2. At the conclusion of the hearing, the Judge shall determine which exhibits are to be retained in the file and forwarded to the Division for microfilming and storage.

3. All other exhibits shall be returned to respective counsel for retention until the expiration of time for appeal or 20 years as determined by the Judge.

(o) When a deposition has been taken to preserve the testimony of an injured or ill petitioner the introduction into evidence of such deposition shall be limited to those cases where the deponent cannot appear because of medical inability to appear or death or where all parties consent to the introduction of the deposition into evidence.

(p) Judges of Compensation may refer the petitioner to the Division of Vocational Rehabilitation when warranted.

(q) Prior to testifying, a witness shall be administered an oath by the Judge of Compensation or by a certified shorthand reporter qualified to administer oaths. Because of religious beliefs, a witness may affirm in place of an oath.

(r) Forms of subpoena, bearing the seal of the Department, shall be made available at all district offices. An attorney-at-law of New Jersey may prepare a subpoena and authorize its service, in accordance with the Rules of Civil Practice of New Jersey, in the name of the Judge of Compensation assigned to the case, to compel the attendance of witnesses and the production of books and papers and such other items as shall be subject to production.

(s) All reserved decisions shall be rendered by the Judge of Compensation within 30 days from completion of the last day of hearing, or within 30 days from the date of filing of briefs. Additional time to render reserved decision may be allowed only on approval of a written application to the Director.

(t) The Judge of Compensation shall notify all parties by letter of the decision, detailing its terms and the name of the reporter and the certified shorthand reporting firm to which it has been dictated; centralized word processing center; or other method by which the opinion is produced.

(u) A final judgment shall be deemed entered as of the date the judgment is signed by the Judge.

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

Moral turpitude removed as standard at (b); bifurcation of trials, accelerated scheduling allowed; post-trial brief form required; medical expert and exhibit retention requirements added; decision schedule changed.

Trial judge's opinion followed by finding that claimant was totally disabled, was insufficient to allow meaningful review. *Lister v. J.B. Eurell Co.*, 234 N.J.Super. 64, 560 A.2d 89 (A.D.1989).

Compensation judge clearly abused his discretion by refusing to continue hearing on claimant's motion when counsel received copy of employer's medical expert's report moments before hearing. *Waters v. Island Transp. Corp.*, 229 N.J.Super. 541, 552 A.2d 205 (A.D.1989).

Workers' compensation judge must respect and ensure due process and fundamental rights of litigants. *Waters v. Island Transp. Corp.*, 229 N.J.Super. 541, 552 A.2d 205 (A.D.1989).

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Under former N.J.A.C. 12:235-5.62, an employee may not, by waiving cross-examination of employer's medical expert, require the employer to present only the medical expert's report and preclude the employer from calling the expert as a witness. *Vaughn v. State (Div. of Motor Vehicles)*, 151 N.J.Super. 251, 376 A.2d 976 (App.Div.1977).

Increase in payments for foot disability that was recurring because of walking and standing was not warranted. *Grahl v. Kaiser*, 95 N.J.A.R.2d (WCC) 46.

Causal relationship between welding work and alleged pulmonary disabilities from chemicals was not established. *Martin v. DK Tool & Die*, 95 N.J.A.R.2d (WCC) 41.

Rheumatoid arthritis and psychiatric sequelae arising from work related trauma were sufficient to cause total disability. *Bobo v. Paterson Board*, 95 N.J.A.R.2d (WCC) 34.

Injury due to work-related accident was not compensable absent evidence as to its occurrence. *Averos v. GJ Chemical*, 95 N.J.A.R.2d (WCC) 33.

Lifting by baggage handler did not aggravate prior disability for lumbosacral strain. *Owen v. Continental*, 95 N.J.A.R.2d (WCC) 30.

Work-related injury to teacher when struck by falling door warranted partial/total disability award. *Wilson v. Plainfield Board*, 95 N.J.A.R.2d (WCC) 27.

Claim of permanent disability with respect to injuries to hand and back in incidents at work was not established. *Thomas v. Magic Rental*, 95 N.J.A.R.2d (WCC) 25.

Right of estate to proceed to proof hearing upon claimant's death for reasons unrelated to disability. *Montrose v. Columbus Hospital*, 95 N.J.A.R.2d (WCC) 24.

Disk injury was compensable notwithstanding three years between work accident and surgeries. *Quinn v. Coca Cola*, 95 N.J.A.R.2d (WCC) 21.

Previous foot fracture did not preclude disability for subsequent amputation of foot. *Rice v. Modern Disposal*, 95 N.J.A.R.2d (WCC) 18.

Truck driver serving interests of employer at time of disability was employee entitled to compensation. *Fulling v. Crown*, 95 N.J.A.R.2d (WCC) 14.

Exposure to Bromine during course of employment warranted partial total disability for anxiety stress disorder. *Wegrzynek v. Exxon Chemical*, 95 N.J.A.R.2d (WCC) 12.

First employer's insurer remained liable absent aggravation of work-related injury in subsequent employment. *Heathcote v. Cape May*, 95 N.J.A.R.2d (WCC) 6.

Subsequent employers not liable for incapacity due to injury and prior employment. *Cook v. Imperial*, 95 N.J.A.R.2d (WCC) 2.

Flight attendant assaulted by co-employee; disability benefits. Pelchat v. Continental Airlines, 94 N.J.A.R.2d (WCC) 244.

Serious back condition; permanent partial disability. Neves v. Cleve-Tenn Industries, Inc., 94 N.J.A.R.2d (WCC) 237.

Mentally handicapped employee; totally disabled; accident during employment. Williams v. Accurate Bushing Co., 94 N.J.A.R.2d (WCC) 231.

Any on-the-job injury or disability; proof. Awkward v. State of New Jersey, 94 N.J.A.R.2d (WCC) 228.

Permanent partial disability; psychiatric and dermatological disability experienced during employment. Gass v. Avalon Plumbing & Appliance, 94 N.J.A.R.2d (WCC) 224.

Part-time employee; proof of partial permanent disability. Edge v. United Parcel Services, 94 N.J.A.R.2d (WCC) 221.

Employee exposed to asbestos; partial permanent disability. Tiger v. Manville Sales Corp., 94 N.J.A.R.2d (WCC) 219.

Psychological disability; not result of employment. Zubow v. Dean Witter Trust Co., 94 N.J.A.R.2d (WCC) 214.

Psychiatric injury; not result of employment. Halpin v. Commerce Life Insurance, 94 N.J.A.R.2d (WCC) 212.

Partial disability; exposure to asbestos during employment. Behm v. Jersey Central Power and Light, 94 N.J.A.R.2d (WCC) 209.

"Home friend" failed to show that she suffered from a disability permanent in quality and partial in character, and failed to establish the basis for awarding temporary disability benefits. Mathis, Eula v. New Community Corporation, 94 N.J.A.R.2d (WCC) 204.

Part-time clerk who tripped over construction material on the public sidewalk in front of a college-owned parking building which was controlled by a Ground Lease tenant was denied her claim against the college. Burgos v. Essex County College, 94 N.J.A.R.2d (WCC) 202.

Warehouse employee suffered post traumatic stress disorder and was entitled to temporary disability and partial total disability benefits. Yaviliak v. Twin County Grocers, 94 N.J.A.R.2d (WCC) 197.

Widow and minor children were entitled to dependency benefits when officer died from AIDS. Laugherty v. City of Jersey City, 94 N.J.A.R.2d (WCC) 194.

Failure to establish that there was an employer/employee relationship between the parties at the time of the accident. Scillath v. Jed Scott Auto Parts, 94 N.J.A.R.2d (WCC) 193.

Sewerage plant laboratory technician failed to prove that her employment was a material cause of her pulmonary disability. Raines v. Passaic Valley Sewerage Commission, 94 N.J.A.R.2d (WCC) 191.

Senior citizen toll collector who became disabled was entitled to have his wages reconstructed at the rate of hours worked by people doing the same type of work on a full time basis. Sheridan v. New Jersey Highway Authority, 94 N.J.A.R.2d (WCC) 187.

Plumber sustained a compensable partial permanent orthopedic disability and a psychiatric disability. Abrantes v. Achieve Plumbing & Heating, 94 N.J.A.R.2d (WCC) 185.

Employee's application for modification of prior award of benefits and claim for new injury were appropriately denied. MacGillis v. Papa Sarris T/A La Mirage & Conair, 94 N.J.A.R.2d (WCC) 182.

Award of benefits for partial/total disability was appropriate. Vieira v. Arena Construction, 94 N.J.A.R.2d (WCC) 180.

Worker's compensation benefits awarded to decedent's grandson. Mangelie v. Lenox, Inc., 94 N.J.A.R.2d (WCC) 178.

Denial of additional worker's compensation benefits for an alleged additional injury was appropriate. Drost v. Manville Foodtown Store # 2811, 94 N.J.A.R.2d (WCC) 174.

Sanction imposed against employer; refusing injured employee disability and medical treatment benefits. Rush v. Ocean Township Board of Education, 94 N.J.A.R. 2d (WCC) 171.

Award appropriate; asthma exacerbated by exposure to cigarette smoke and fumes. Nardone v. Georgia-Pacific Company, 94 N.J.A.R.2d (WCC) 165.

Denial of additional worker's compensation benefits. Sayres v. J. Spinelli & Sons Excavating, 94 N.J.A.R.2d (WCC) 163.

Permanent partial disability; Lyme disease. Salender v. Jersey Central Power and Light Company, 94 N.J.A.R.2d (WCC) 157.

Denial of worker's compensation benefits to intoxicated volunteer member of first aid squad was appropriate. Cuba v. Kearny Volunteer Rescue Squad, Inc., 94 N.J.A.R.2d (WCC) 153.

Award of worker's compensation benefits to live-in domestic employee was appropriate. Wint v. Malien, 94 N.J.A.R.2d (WCC) 149.

Denial of worker's compensation benefits; injury occurred during commute to work. Flanagan v. Avis Rent-A-Car Systems, 94 N.J.A.R.2d (WCC) 146.

Total permanent disability and medical benefits appropriate; employee unlikely to work in the future. Fisher v. Hygrade Furniture, 94 N.J.A.R.2d (WCC) 138.

Dismissal of claim for increased disability was appropriate. Lanno v. Jersey Shore Medical Center and Monmouth Dental Center, 94 N.J.A.R.2d (WCC) 129.

Award for partial/total disability; objective/demonstrable medical evidence test. Dalfonzo v. Keansburg Ice & Fuel Co., Inc., 94 N.J.A.R.2d (WCC) 126.

Award to employee suffering from lung disease was appropriate. Neiber v. Ingersoll-Rand Company, 94 N.J.A.R.2d (WCC) 121.

Award for partial/total disability; orthopedic and neurological injuries. Kane v. PMC Specialty Group, 94 N.J.A.R.2d (WCC) 117.

Employee was entitled to worker's compensation benefits while engaged in a weight loss program. Jaronko v. Bishop-Sanzari, Inc. & R. A. Hamilton, 94 N.J.A.R.2d (WCC) 115.

No partial/permanent disability; injury did not interfere substantially with employee's life. Intelli v. The Hose Shop, 94 N.J.A.R.2d (WCC) 113.

Award of temporary disability payments and medical benefits was appropriate. Keratt v. New Jersey Turnpike Authority, 94 N.J.A.R.2d (WCC) 111.

Award made to employee with prior heart disorder who suffered partial/total disability was appropriate. Doyle v. Highlands Borough, 94 N.J.A.R.2d (WCC) 106.

Additional worker's compensation award to employee for the same injury was appropriate. Landry v. Auto Life Management, 94 N.J.A.R.2d (WCC) 104.

Award of worker's compensation benefits and finding of partial/total disability was appropriate. Feliciano v. Wheelock Signals, Inc., 94 N.J.A.R.2d (WCC) 101.

Treatment and medical expenses were not compensable or reimbursable under the worker's compensation statute. Gorrin v. Kullman Industries, 94 N.J.A.R.2d (WCC) 98.

Award for partial/total permanent disability was appropriate. Allgood v. Sears, Roebuck & Co., 94 N.J.A.R.2d (WCC) 97.

No objective medical evidence of disability. Austin v. Fluets Corporation, 94 N.J.A.R.2d (WCC) 94.

There was a failure to offer objective medical evidence of neuropsychological disability. Kavanagh v. Hunterdon Developmental Center, 94 N.J.A.R.2d (WCC) 91.

Failure to meet burden of proving permanent disability. *Ladezma v. Rebtex, Incorporated*, 94 N.J.A.R. (WCC) 90.

Cigarette-smoking asbestos worker; failure to prove that asbestos exposure contributed in material degree to lung cancer. *Gauntlett v. Johns-Manville*, 94 N.J.A.R.2d (UCC) 85.

Police officer failed to prove any ophthalmologic or orthopedic disability. *Rodriguez v. City of Newark*, 94 N.J.A.R.2d (WCC) 83.

Defendant's claim was barred when employee had accepted lump sum settlement. *Slinger v. Okonite Co., Inc.*, 94 N.J.A.R.2d (WCC) 82.

Employment accident; compensation for orthopedic injuries but not for high blood pressure. *Taylor v. Fell Corporation*, 94 N.J.A.R.2d (WCC) 78.

Multiple sclerosis; evidence established that work-related accidents aggravated dormant condition. *Toye v. Scholes Co. and S & M Electric Co.*, 94 N.J.A.R.2d (WCC) 74.

Employee did not meet his burden of proof; no objective medical evidence. *Kramer v. Level Line, Inc.*, 94 N.J.A.R.2d (WCC) 71.

Employment exposure to asbestos contributed in a material way to the development of employee's cancer. *Rustay v. Ingersoll-Rand Company*, 94 N.J.A.R.2d (WCC) 68.

Psychiatric condition allegedly due to work stress; not entitled to worker's compensation. *Bieyle v. V.R.H. Construction Co.*, 94 N.J.A.R.2d (WCC) 61.

Failure to prove that layoff was retaliation; filing workers' compensation claim. *Cosimano v. Gardner Merchant Food Services, Inc.*, 94 N.J.A.R.2d (LBR) 59.

Cough allegedly due to exposure to dust and paint fumes; not permanently disabled. *Chew v. Excell Wood Products*, 94 N.J.A.R.2d (WCC) 57.

Discharged employee injured in a car accident during the course of his employment; temporary disability and medical benefits. *Fouler v. Altenheim*, 94 N.J.A.R.2d (WCC) 52.

Travelling for business; worker's compensation. *Novis v. Rosenbluth Travel*, 94 N.J.A.R.2d (WCC) 51.

Inhalation of chlorine gas caused serious pulmonary impairment. *Eccles v. town of Kearny*, 94 N.J.A.R.2d (WCC) 45.

Award of disability benefits and payment of medical treatment by employer was proper. *Moytzoirellhs v. Greenbrook Nursing Home*, 94 N.J.A.R.2d (WCC) 41.

Employee's work-related injury was minor and did not affect his working ability. *Calvopina v. Menlo Building Maintenance Co.*, 94 N.J.A.R.2d (WCC) 40.

Failure to sustain burden of proof of occupational pulmonary disease and of work-related heart attack. *Yuzuik v. Union Carbide Corporation*, 94 N.J.A.R.2d (WCC) 36.

Employee failed to sustain burden of proving her condition substantially worsened. *Giordano v. Visiting Homemakers of Ocean County*, 94 N.J.A.R.2d (WCC) 31.

Dismissal; failure to appear and complete case. *McCoy v. Witco*, 94 N.J.A.R.2d (WCC) 30.

Sales consultant failed to demonstrate a compensable partial permanent disability. *Branch v. Macy's* 94 N.J.A.R.2d (WCC) 26.

Award in excess of award offered by employer was proper failure to demonstrate a preexisting percentage of disability. *Traberman v. Brio Sanditoy Corp.*, 94 N.J.A.R.2d (WCC) 24.

Temporary disability benefits; abdominal pain from morbid obesity. *Oliver v. Vineland Developmental Center*, 94 N.J.A.R.2d (WCC) 22.

Dependency benefits properly awarded to children of deceased firefighter; lung cancer. *LeFurge v. City of Plainfield*, 94 N.J.A.R.2d (WCC) 20.

Employee suffering from multiple sclerosis proved aggravation by work-related injury. *Cooney v. Terminex*, 94 N.J.A.R.2d (WCC) 16.

Worker sustained burden of proof in demonstrating a causal link. *Vaccarelle v. Exxon U.S.A.*, 94 N.J.A.R.2d (WCC) 11.

Dispatcher failed to sustain his burden of proof demonstrating a causal link between exposure to chemicals and lymphoma/leukemia. *Trucke v. Coastal Industries*. 94 N.J.A.R.2d (WCC) 9.

Auto worker; compensable partial permanent disability. *Blain v. Premier auto Body, Inc.*, 94 N.J.A.R.2d (WCC) 7.

Failure to sustain burden of proof of permanent partial disability. *Velez v. Difeo Auto Mart*, 94 N.J.A.R.2d (WCC) 3.

Landlord failed to prove that tenant was a causal employee. *Martin v. Pollard*, 94 N.J.A.R.2d (WCC) 1.

Claimant with orthopedic and pulmonary disabilities failed to show occupational disease. *White v. E.R. Squibb*, 93 N.J.A.R.2d (WCC) 158.

Claimant was not entitled to modification of award. *DeGennaro v. Greater New York Box Co.*, 93 N.J.A.R.2d (WCC) 150.

No entitlement to benefits where subjective evidence was supported only by minimal physical evidence. *Daly v. Owens-Brockway Glass Containers*, 93 N.J.A.R.2d (WCC) 141.

Machine operator failed to show partial permanent disability. *Merant v. Superwear Corporation*, 93 N.J.A.R.2d (WCC) 139.

Claimant failed to establish necessity or authorization for medical treatment or change in circumstances. *Jackson v. Clara Maas Memorial Hospital*, 93 N.J.A.R.2d (WCC) 138.

Modification of partial permanent rating not justified in absence of medical evidence demonstrating an increased disability. *Williams v. AT & T Technologies*, 93 N.J.A.R.2d (WCC) 130.

Separate back injuries while lifting bundles of newspapers at work justified partial permanent disability rating. *Smith v. Greater Media*, 93 N.J.A.R.2d (WCC) 128.

Physical pain and depression as a result of slip and fall at work justified total and permanent disability rating. *Ferrante v. CIT Group*, 93 N.J.A.R.2d (WCC) 117.

Homeowners were not liable for disability claim absent evidence of an employment relationship with injured carpenter. *Moore v. Hetrick*, 93 N.J.A.R.2d (WCC) 113.

Inability to operate foot pedal machinery justified permanent partial disability rating following ankle fracture in work-related accident. *Stopa v. Chanel*, 93 N.J.A.R.2d (WCC) 112.

Shoulder pain preventing employee from doing previous work justified permanent disability rating. *Juliano v. United Parcel*, 93 N.J.A.R.2d (WCC) 109.

Refining and reclaiming precious metals lead to permanent disability from asbestosis as a result of job. *Caggiano v. Engelhard*, 93 N.J.A.R.2d (WCC) 106.

Scars resulting from work-related burns justified partial permanent disability rating. *Holzheimer v. Bayonne*, 93 N.J.A.R.2d (WCC) 103.

Increased disability to back over and above accumulative prior awards was not shown. *Slappy v. Newark*, 93 N.J.A.R.2d (WCC) 100.

Objective medical evidence established a compensable partial permanent disability equivocal to three work accidents. *Mintz v. Busch*, 93 N.J.A.R.2d (WCC) 98.

Firemen earned no more than a 7.5 percent disability for chronic bronchitis. *Toomey v. Hoboken*, 93 N.J.A.R.2d (WCC) 94.

Employee failed to sustain burden of proof on issue of causation with respect to cut on forehead at work. *Levine v. Mueller*, 93 N.J.A.R.2d (WCC) 93.

Results of range-of-motion tests and functional restrictions established partial total permanent disability. *Laird v. Sambol*, 93 N.J.A.R.2d (WCC) 88.

Preexisting personality disorder precluded claim for psychiatric disability arising from incident at work. *Allen v. Children's Home Society*, 93 N.J.A.R.2d (WCC) 85.

Idiopathic event causing back injury was not connected to employment. *Field v. Clayton*, 93 N.J.A.R.2d (WCC) 84.

Worker's chronic back pain entitled him to permanent partial disability benefits. *Baptista v. Witco Corporation*, 93 N.J.A.R.2d (WCC) 78.

Worker was not entitled to increase in permanent partial disability benefits. *Napolitano v. Molecu Wire Corporation*, 93 N.J.A.R.2d (WCC) 76.

Worker's increased disability did not merit increase in compensation award. *Stefanick v. Johns-Manville Products Corp.*, 93 N.J.A.R.2d (WCC) 75.

Worker was entitled to award of permanent total disability benefits. *Shaw v. Long Branch Board of Education*, 93 N.J.A.R.2d (WCC) 72.

Worker injured off employer's premises was not entitled to award of compensation benefits. *Geres v. St. Peter's Medical Center*, 93 N.J.A.R.2d (WCC) 70.

Former employer was responsible for costs of worker's medical treatment. *Metros v. General Motors Corp., Hyatt Bearings Division*, 93 N.J.A.R.2d (WCC) 68.

Injury on coffee break in adjacent trucking company's yard did not arise out of employment. *Berkery v. Freightways*, 93 N.J.A.R.2d (WCC) 60.

Poor state of health entitled wife separated from worker at time of death to dependency benefits. *Woolcott v. Roma Food*, 93 N.J.A.R.2d (WCC) 58.

Fall by visiting home health nurse rated a 22 percent partial disability. *Backof v. Medical Center*, 93 N.J.A.R.2d (WCC) 56.

Surgeries performed following multiple head and facial injuries were a reasonable, medical necessity. *Byrd v. Off The Road Tire*, 93 N.J.A.R.2d (WCC) 54.

Back injury at work was directly related to next day's hospitalization for ruptured disk. *Hersh v. Hersh & Sherman*, 93 N.J.A.R.2d (WCC) 51.

Permanent partial disability was not established without objective medical evidence showing more than only some degenerative changes to back. *Morris v. K-Mart*, 93 N.J.A.R.2d (WCC) 48.

Causal relationship between colon cancer and long asbestos exposure warranted partial total disability award. *Rosamilia v. Essex*, 93 N.J.A.R.2d (WCC) 42.

Significant injuries to face, neck and back in employee parking lot warranted permanent disability award. *Zablocki v. Maas*, 93 N.J.A.R.2d (WCC) 38.

Expenses of psychiatric treatment following suicide attempt resulting from workplace injury were compensable. *Ellison v. Concurrent Computers*, 93 N.J.A.R.2d (WCC) 34.

Temporary disability payments were appropriate for school psychologist injured when bookcase hit head. *Sweet v. Jackson Board of Education*, 93 N.J.A.R.2d (WCC) 27.

Permanent disfigurement and neurosensory changes warranted partial permanent disability award. *Goode v. Herculite*, 93 N.J.A.R.2d (WCC) 25.

Back injury sustained by security officer warranted permanent, though limited disability award. *Currey v. Ocean County*, 93 N.J.A.R.2d (WCC) 22.

Stroke which commenced while mechanic was exerting extraordinary physical activity warranted total disability award. *Manning v. Engineering*, 93 N.J.A.R.2d (WCC) 18.

Long-term occupational exposure to asbestos warranted a partial, total award for pulmonary disability. *Stelzie v. Salvesen*, 93 N.J.A.R.2d (WCC) 15.

Control test established that carpenter working on house was not independent contractor, but was employee of homeowner. *Henry v. Parks*, 93 N.J.A.R.2d (WCC) 12.

Permanent partial disability resulted from occupational exposure to asbestos. *Russomanno v. Otis Elevator*, 93 N.J.A.R.2d (WCC) 9.

Gunshot would to head at work resulted in total and permanent disability for which special adjustment benefits was due. *Lugo v. Franklin*, 93 N.J.A.R.2d (WCC) 2.

Worker suffered permanent partial disability as result of on-the-job accident. *Van Amburgh v. Rohil Estates*, 92 N.J.A.R.2d (WCC) 188.

Employer was not entitled to credit or offset for worker's pre-existing illness. *Woolsey v. New Jersey Bell Telephone Company*, 92 N.J.A.R.2d (WCC) 180.

Worker's widow was not entitled to dependency benefits. *Petit-Clair v. New Jersey Transit*, 92 N.J.A.R.2d (WCC) 176.

Worker was "employee" entitled to worker's compensation benefits. *Ojibe v. Thomas J. Reale, Inc.*, 92 N.J.A.R.2d (WCC) 173.

Worker was entitled to 25 percent permanent partial disability benefits for pulmonary injury. *Sutera v. City of Hoboken*, 92 N.J.A.R.2d (WCC) 170.

Employer failed to prove that termination of worker's benefits was warranted. *Kincade v. City of Wildwood*, 92 N.J.A.R.2d (WCC) 161.

Worker's unemployment was not compensable. *Cairns v. City of East Orange*, 92 N.J.A.R.2d (WCC) 155.

Worker's injury was causally related to employment. *Paduch v. Stony Brook Construction*, 92 N.J.A.R.2d (WCC) 152.

Mechanic was entitled to permanent partial disability benefits. *Landon v. Town & Country Motors*, 92 N.J.A.R.2d (WCC) 150.

Worker was entitled to slight increase in pulmonary disability benefits. *White v. Johns-Manville Sales Corporation*, 92 N.J.A.R.2d (WCC) 147.

Worker's settlement of his claim extinguished subsequent dependency claim. *Szikszai v. Simmons Precision*, 92 N.J.A.R.2d (WCC) 145.

Collision resulted in worker's permanent partial disability. *Reynolds v. Strober New Jersey Building Supply, Inc.*, 92 N.J.A.R.2d (WCC) 144.

Worker failed to prove that his injury occurred on the job. *McDuffie v. New Jersey Bell Telephone Company*, 92 N.J.A.R.2d (WCC) 142.

Worker was entitled to modification of previously settled claim. *Rolstad v. Tri-County Asphalt*, 92 N.J.A.R.2d (WCC) 138.

Independent contractor was not entitled to workers' compensation benefits. *Bozzolasco v. J.T. Ski Construction Co.*, 92 N.J.A.R.2d (WCC) 136.

Accidental fall rendered worker permanently and totally disabled. *Rivera v. Frank's Tree Service, Inc.*, 92 N.J.A.R.2d (WCC) 134.

Worker was entitled to increased benefits for psychiatric disability. *Woods v. CPC International, Inc./Best Foods*, 92 N.J.A.R.2d (WCC) 132.

Worker was entitled to modification of prior compensation award. *Cook v. Dollar Rent-A-Car*, 92 N.J.A.R.2d (WCC) 129.

Worker's deception did not disqualify him from receiving benefits. *Gomes v. Jose Natoli Construction Co.*, 92 N.J.A.R.2d (WCC) 127.

Worker was entitled to 17 ½ percent temporary partial disability benefits. *Yar v. Springfield Heating and Air Conditioning, Inc.*, 92 N.J.A.R.2d (WCC) 125.

Worker's disabilities were unrelated to occupational exposure. *Shannon v. State of New Jersey*, 92 N.J.A.R.2d (WCC) 120.

Worker suffered disability in trip and fall accident. *Wydner v. Caldor's*, 92 N.J.A.R.2d (WCC) 116.

Worker was entitled to have disabilities from single accident "stacked". *Kim v. Wolf*, 92 N.J.A.R.2d (WCC) 112.

Worker suffered disability due to knee injury. *Markle v. Newark Board of Education*, 92 N.J.A.R.2d (WCC) 110.

Worker's carpal tunnel syndrome was work related. *Mackenzie v. New Jersey Bell Telephone Co.*, 92 N.J.A.R.2d (WCC) 107.

Worker's preexisting condition was aggravated by workplace accident. *Gronikowski v. K-Mart Corporation*, 92 N.J.A.R.2d (WCC) 102.

Asbestos exposure caused worker's cancer. *Zematis v. Exxon Company*, 92 N.J.A.R.2d (WCC) 98.

Chemical worker's liver damage was work-related. *Dean v. Powell-Duffryn*, 92 N.J.A.R.2d (WCC) 97.

Chimney worker's permanent total disability was job-related. *Lackey v. Custodis-Ecodyne, Inc.*, 92 N.J.A.R.2d (WCC) 92.

Worker injured in a fall suffered permanent partial disability. *Smith v. Borough of Stone Harbor*, 92 N.J.A.R.2d (WCC) 87.

Workers's disability was caused by three separate accidents. *Genovese v. McGraw-Hill, Inc.*, 92 N.J.A.R.2d (WCC) 83.

On-the-job exposure to chemical fumes caused workers's disability. *Ostendorf v. Acme Markets, Inc.*, 92 N.J.A.R.2d (WCC) 81.

Bus driver was entitled to 30 percent permanent partial disability benefits. *Nordaby v. Cape May County Holiday Tours*, 92 N.J.A.R.2d (WCC) 76.

Worker failed to timely notify her employer of on-the-job accident. *Michelotti v. CVI Services Group*, 92 N.J.A.R.2d (WCC) 73.

Insurer would be assessed penalties for negligent denial of disability claim. *Gianotti v. Teledyne Farris Engineering*, 92 N.J.A.R.2d (WCC) 70.

Construction worker suffered permanent partial disability as result of accident. *Beam v. Gianetti Excavating Co., Inc.*, 92 N.J.A.R.2d (WCC) 67.

Worker suffered permanent total disability due to repetitive injuries. *Peterson v. Hermann Forwarding Co.* 92 N.J.A.R.2d (WCC) 60.

Evidence offered by worker was insufficient to prove permanent partial disability. *Crean v. Somerville Lumber Co.* 92 N.J.A.R.2d (WCC) 57.

Worker's job-related chemical exposure was cause of fatal lung cancer. *Lee v. Engelhard Industries*. 92 N.J.A.R.2d (WCC) 56.

Worker failed to prove that he suffered from work-related asbestosis. *Gile v. Jersey Central Power & Light Co.* 92 N.J.A.R.2d (WCC) 53.

Worker's chronic illness was job related. *Daye v. Ciba Geigy*. 92 N.J.A.R.2d (WCC) 46.

Worker's lower back injury was permanently and totally disabling. *Martinez v. Esselte Pendaflex*. 92 N.J.A.R.2d (WCC) 42.

Worker failed to prove entitlement partial permanent disability benefits. *Blackwell v. N.J. Transit Bus Operations, Inc.* 92 N.J.A.R.2d (WCC) 41.

Worker suffered no pulmonary function disability. *Weston v. Excelled Sheepskin & Leather Coat Corporation*, 92 N.J.A.R.2d (WCC) 39.

Motor vehicle collision occurred in the course of "special mission". *Martin v. Jersey Central Power & Light Company*, 92 N.J.A.R.2d (WCC) 34.

Worker's employment aggravated underlying circulatory deficiency. *Felix v. Elegant Lingerie*, 92 N.J.A.R.2d (WCC) 32.

Workplace exposure to chemicals was material cause of worker's death. *Corio v. American Cyanamid Company*, 92 N.J.A.R.2d (WCC) 29.

Worker would be awarded permanent partial disability benefits. *Magill v. C & K Construction Company*, 92 N.J.A.R.2d (WCC) 25.

Worker would be awarded partial total disability benefits. *Hobbs v. General Motors Corporation*, 92 N.J.A.R.2d (WCC) 20.

Claimant failed to prove her entitlement to dependency benefits. *Toms v. Dee Rose Furniture, Inc.*, 92 N.J.A.R.2d (WCC) 18.

Worker suffered no permanent disability as result of asbestos exposure. *Boszczuk v. Johns-Manville*. 92 N.J.A.R.2d (WCC) 17.

Worker's widow met burden of proving entitlement to benefits. *Slack v. Johns-Manville Products Corporation*. 92 N.J.A.R.2d (WCC) 13.

Worker suffered total disability as result of work place accident. *Johnson v. Blue Crest Farms*. 92 N.J.A.R.2d (WCC) 9.

Permanent injury to worker's leg would be offset by credit for prior condition. *Flancer v. Dell Chrysler*. 92 N.J.A.R.2d (WCC) 7.

Worker's compensable permanent disability had significantly worsened. *Wilson v. South Jersey Port Corporation*. 92 N.J.A.R.2d (WCC) 3.

Worker's psychiatric disability was not caused by work place accident. *Ramon Rivera v. Egg Harbor Boat Company*. 92 N.J.A.R.2d (WCC) 2.

Worker's gunshot wound did not "arise out of" his employment. *Riley v. Potter-Hillman Ford*. 92 N.J.A.R.2d (WCC) 1.

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.

(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.

9. Such other information as prescribed by the Director.

(b) The application for commutation shall be under oath or affirmation of the applicant.

(c) The application for commutation shall include, or have attached thereto, all documents upon which the applicant is relying in the application.

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.

12:235-8.3 Approval or disapproval of application for commutation

(a) Upon receipt of the application for commutation, the matter shall be forwarded for hearing to the Judge of Compensation who entered the award which is sought to be commuted.

1. If that Judge is not available, then any Judge in the vicinage may hear the application.

(b) After hearing the application, the Judge of Compensation shall enter an order either granting or denying the application and shall state the reasons therefor, pursuant to N.J.S.A. 34:15-25.

(c) The disbursement of all funds commuted shall be under the supervision 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).
Process for hearing of applications for commutation specified.

SUBCHAPTER 9. DISCRIMINATION COMPLAINTS

12:235-9.1 Filing discrimination complaints

All complaints alleging discrimination pursuant to N.J.S.A. 34:15-39.1 shall be filed with 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.

Case Notes

Employee claiming retaliatory discrimination by employer may pursue either judicial or administrative remedy. (citing former N.J.A.C. 12:235-11). *Lally v. Copygraphics*, 173 N.J.Super. 162, 413 A.2d 960 (App.Div.1980), affirmed 85 N.J. 668, 428 A.2d 1317 (1981).

12:235-9.2 Contents of discrimination complaints

(a) The complaint alleging discrimination shall be under the oath or affirmation of the complainant, and shall be on a form prescribed by the Division.

(b) The complaint alleging discrimination shall include the following:

1. Complainant's name, address, Social Security number, and claim petition number, if a claim for formal hearing has been filed;
2. The name and address of the insurance carrier for the employer;
3. The date of complainant's accident;
4. Complainant's occupation and wages;
5. Complainant's current employment and wages;
6. Complainant's occupational duties and indication as to whether he or she is able to perform those duties;
7. The date and reason for complainant's termination of employment;
8. The factual and legal reasons for alleging discrimination;
9. Such other information as requested by 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.

12:235-9.3 Attachments to discrimination complaints

The complaint for discrimination shall include, or have attached thereto, all documents upon which the complainant is relying on in the application.

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.

12:235-9.4 Investigation of discrimination complaints; appeal procedures

(a) Upon receipt of a complaint for discrimination, the Division shall conduct an investigation and forward the complaint and results of the investigation to the Director within 90 days.

(b) The Director or his or her designee, upon review of the investigative report, shall make a determination as to whether discrimination exists. This determination shall be forwarded to the complainant and the employer within 30 days by certified mail of the receipt of the investigative report.

(c) Any individual who disagrees with the decision of the Director may submit to the Division a written request for a formal hearing to be held in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., N.J.S.A. 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, within 10 days from the date of the receipt of the Director's decision.

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

See: 23 N.J.R. 1759(a), 23 N.J.R. 2642(a).
Investigation to be forwarded in 90 days.
Amended by R.1993 d.51, effective January 19, 1993.
See: 24 N.J.R. 1684(a), 24 N.J.R. 3090(a), 25 N.J.R. 313(b).
Added new (b)-(d); revised section heading.
Amended by R.1994 d.431, effective August 15, 1994.
See: 26 N.J.R. 1591(b), 26 N.J.R. 3459(a).

12:235-9.5 Action by the Commissioner

Upon receipt of the complaint and results of investigation from the Division, the Commissioner may take such action pursuant to N.J.S.A. 34:15-39.1 as the Commissioner deems appropriate.

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 10. ACCIDENT REPORTS

12:235-10.1 Employer's first report of accidental injury or occupational disease

(a) The employer's first report of accidental injury or occupational disease shall be filed by all employers no later than the start of the second work day after the injury occurred when:

1. The injury causes a loss of time from regular duties beyond the working day or shift on which the accident occurred; or
2. Medical treatment beyond ordinary first aid is required; or
3. Occupational disease exists whether or not time is lost.

(b) The form for the first report of accidental injury or occupational disease shall be Form L&I 1 and its amendments.

(c) The first report of accident or occupational disease shall be filed with the Division, with the first copy being forwarded to the insurance carrier and the second copy being retained by the employer.

(d) In the event of a serious injury which requires hospitalization or the event of a fatality, the form shall be filed immediately with the Office of Safety Compliance and notice of the injury shall be given immediately to the Office of Safety Compliance by telephone or telegram.

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.

12:235-10.2 Employer's first report of accidental injury or occupational disease

(a) The employer shall report to the Division all accidental injuries causing disability beyond seven days or permanent injury or occupational disease. The form for this report shall be as prescribed by the Division.

(b) The employer's report to the Division of an accidental injury or occupational disease shall be filed with the Division, with a copy being forwarded to the insurance carrier and a copy retained by the employer, as soon as it is reasonably known or expected that such disability, permanent injury, or occupational disease has occurred.

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.

12:235-10.3 Insurer's initial notice of accident

(a) The insurance carrier of self-insured shall, within 21 days after the happening of an accidental injury or knowledge of an occupational disease, file an initial notice of accident, statement of wages, and agreement to care for case.

(b) The notice shall be as prescribed by the Division. The original of the insurer's initial notice of accident shall be filed via first-class mail with the Division, with a copy retained by the carrier.

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.

12:235-10.4 Insurer's final report of accident

(a) A final report of accident shall be filed by the insurance carrier or the self-insured at the close of the temporary disability, or as soon thereafter as the extent of permanent injury can be determined, whichever is later.

(b) The final report of accident shall be filed with the Division, with a copy to be sent to the employer, employee, and a copy retained by the insurance carrier or self-insured.

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.

12:235-10.5 Report of death

In the event that death results due to an accidental injury subsequent to the filing of a final report of accident, a report of death shall be filed with the Division and a copy sent to those recipients as named in N.J.A.C. 12:235-10.4.

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.