

## Chapter Ind 80

### WORKMEN'S COMPENSATION

#### RULES OF PRACTICE

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**Ind 80.01 General.** The rules of practice at hearings before the industrial commission will conform generally to the rules of practice before courts of equity. The aim is to secure the facts in as direct and simple a manner as possible.

**Ind 80.02 Reports** (1) *Employers* under the provisions of the workmen's compensation act within one day after the fatal termination of an accident or industrial disease, shall make a brief report of this occurrence to the industrial commission by telegraph or by letter. They shall also make a report on form A-12 on the fourth day after the accident or beginning of disability from occupational disease upon every accident or disease causing death or a disability which exists beyond the third day after the employe leaves work as a result of the accident.

(2) *Self-insured employers and insurance companies* on all accidents which require a first report must:

(a) Make a supplementary report on form A-13 on the eleventh day following that on which the accident occurred.

(b) Make another supplementary report immediately when payments are stopped for any reason. This report must be accompanied by an explanatory memorandum, if there is a dispute with the injured man.

(c) Make a final report on form A-13 when final payment of compensation has been made, which must be accompanied by (a) a copy of the final receipt signed by the injured employe, and (b) a report from a physician, if the disability exceeds 3 weeks or if there is any permanent disability, unless there has been a hearing before the commission.

(d) Supply to the employe copy of final report on form A-13 in all cases at the time of final payment, and final physician's report in cases where disability has extended beyond 3 weeks following the date of injury, or where permanent disability has resulted.

(e) Make immediate report of any amputation which requires an artificial member or appliance.

**Ind 80.03 Compromise.** In any case where an accident and injury to an employe occurs of which the commission has jurisdiction under the compensation act, and a compromise of liability thereunder is made directly by such employer and employe, the same shall be made in writing in the presence of one or more disinterested witnesses who shall sign such compromise, and copies of all such compromises shall be mailed immediately to the industrial commission by the employer. All compromises may be reviewed, set aside, modified or confirmed by the commission upon application of either party within one year from the date of the compromise. (Section 102.16, Wis. Stats.)

**Ind 80.04 Place of hearing.** The commission at its discretion may from time to time hold public sessions other than in the state capitol.

**Ind 80.05 Procedure on claim.** (1) In cases of disputes in matters coming under the jurisdiction of the commission, either party to the dispute may apply to the commission for relief and the commission shall make such order or award as shall be lawful and just in the premises.

(2) In all such cases the party complaining shall file his application with the commission, with copies to be served on the adverse party. The commission shall thereupon serve such adverse party with a copy of such application and such adverse party shall file his answer thereto with the commission within 10 days after such service and likewise serve a copy of such answer on the party making the application. The commission will thereupon notify the parties of the time and place of hearing, at least 10 days prior to such hearing. (Section 102.17, Wis. Stats.)

**Ind 80.06 Parties.** The parties to the controversy shall be known as the applicant and the respondent. The party filing the application for relief shall be known as the applicant and the adverse party as the respondent. Either party may appear in person or by an attorney or agent.

**Ind 80.07 Service.** All service of papers, unless otherwise directed by the commission or by law, may be made by mail and proof of such mailing shall be prima facie proof of such service. Time within which service shall be made shall be the same as in courts of record unless otherwise specified by rule or order of the commission.

**Ind 80.08 Amendments.** Amendment may be made to any pleading upon application to the commission and cause shown. The commission may on its own motion, modify or change its order, finding or award at any time within 20 days from the date thereof if it shall discover any mistake therein.

**Ind 80.09 Extension of time and postponement.** The commission may grant extensions of time in which to comply with any rule when it shall deem such extensions of time reasonable and it may likewise grant adjournments of hearings.

**Ind 80.10 Stipulations.** Parties to a controversy may stipulate the facts in writing, and the commission may thereupon make its order or award. Stipulations must set forth in detail the manner of computing the compensation due and must be accompanied by a report from a physician stating the extent of the disability.