

## **Instructions for Completing an Application for Hearing and Other Forms in Workers' Compensation Proceedings**

1. A party proceeding without an attorney must follow the same procedures as does an attorney. A party proceeding without an attorney is presumed to understand the legal principles that govern the claim. These instructions do not cover all of the situations that may present themselves during the litigation of a claim. If you wish to consider retaining an attorney, the Colorado Bar Association provides a list of attorneys practicing in the area of Workers' Compensation. It is available at: <http://www.cobar.org/index.cfm/ID/20163/WORKER/Workers'-Compensation/> or upon request to the **Office of Administrative Courts, (303) 866-2000**. If you choose to proceed without an attorney, you will need to be familiar with the **Workers' Compensation Act of Colorado (Act)**, Title 8, **Colorado Revised Statutes (CRS)**, the **Workers' Compensation Rules of Procedure (WCRP)**, and the **Office of Administrative Courts' Rules of Procedure for Workers' Compensation Proceedings (OACRP)**. The Act and the WCRP are available online at <https://www.colorado.gov/cdle/dwc>. The **OACRP and additional information** are available online at <http://www.colorado.gov/dpa/oac>. Clerks at the Office of Administrative Courts can provide some procedural guidance, but cannot offer any legal advice. The Administrative Law Judge must remain impartial and neutral, and will not assist you before, during, or after the hearing.

2. The Colorado Office of Administrative Courts (OAC) conducts hearings regarding Workers' Compensation claims. Hearings are conducted in Colorado Springs, Denver, Durango, Glenwood Springs, Grand Junction, Greeley, and Pueblo. The hearing will be conducted in the city closest to the claimant's residence, unless a judge has ordered the hearing to take place at another location. Rule 8(B), OACRP. If the claimant's residence is closest to Denver or Greeley, the Application for Hearing must be filed in the Denver office of the OAC. If the claimant's residence is closest to Colorado Springs, or Pueblo, the Application for Hearing must be filed in the Colorado Springs office of the OAC. If the claimant's residence is closest to Durango, Glenwood Springs, or Grand Junction, the Application for Hearing must be filed in the Grand Junction office of the OAC. At the top of the Application for Hearing form, indicate the city where the Application for Hearing will be filed. At the end of the second page of the application, you must also indicate that the application was filed in that city.

3. On the Application for Hearing, you must indicate the name of the claimant, the employer, the insurer, and the Workers' Compensation (WC) claim number. This information may be obtained from Customer Service at the Division of Workers' Compensation, (303) 318-8700. The Date of

Injury is optional. Only one WC number should be given, unless a judge has granted a Motion to Consolidate. Rule 9-6, WCRP. If a motion to consolidate was granted, list all of the WC numbers to be set for hearing.

**4. Application for Expedited Hearing:** Rule 9, OACRP. A claimant may file an Application for Expedited Hearing if a Notice of Contest has been filed within the previous 45 days, or if there is an urgent need for prior authorization of health care services, as recommended in writing by an authorized treating provider and prior authorization has been denied. Documents must be attached to an Application for Expedited Hearing that indicate that the applicant qualifies for an expedited hearing. If an expedited hearing is appropriate, the hearing will be set to occur within 40 days of the date of the Application for Expedited Hearing. A clerk of the OAC will select the date, time and place of the hearing without input from the parties. The issues at the hearing will be limited to those issues provided by Rule 9, OACRP, or as agreed to by the parties.

**5. Application for Hearing- Section A:**

Indicate your name and the hearing location nearest the claimant's residence.

"Compensability" should be marked as an issue if the respondent has filed a Notice of Contest, if no Admission of Liability has been filed by the respondent, or if there is a dispute between the claimant and the respondent as to whether the claimant suffered a workplace injury.

Unless "Compensability" will be an issue at the hearing, you must attempt to resolve all issues with the other parties. Section 8-43-211(1)(e), C.R.S. Check the box if you have contacted the other parties and attempted to resolve the issues.

"Medical Benefits – Reasonably necessary" should be marked as an issue if there is a dispute as to what medical care is reasonably needed to cure and relieve the claimant from the effects of the industrial injury. Section 8-42-101, C.R.S.

"Authorized provider" should be marked as an issue if there is a dispute concerning which medical providers are authorized to provide care for the injury. Section 8-43-404(5), C.R.S.

"Average Weekly Wage" must be determined in order for the claimant to receive temporary or permanent disability benefits. Sections 8-40-201, C.R.S. Average weekly wage (AWW) should be marked as an issue if it has not been determined, or if a party disputes the AWW admitted by the respondents.

"Petition to Reopen" should be marked as an issue when a case has been closed by a Final Admission or Order, and a Petition to Reopen has

been filed seeking further benefits. Rule 7-3, WCRP; Section 8-43-303, C.R.S.

“Disfigurement” is an issue if the claimant is seeking additional compensation for any scar or other disfigurement that resulted from the compensable injury. Section 8-42-108, C.R.S. You may request a hearing to determine only the issue of disfigurement or, instead of appearing at a hearing, you may request a disfigurement award based upon photographs. Rule 10, OACRP. Call (303) 866-2000 to request a form.

“Temporary Total Disability Benefits” are at issue if the claimant leaves work for more than three shifts as a result of the compensable injury. Sections 8-42-103 and 105, C.R.S.

“Temporary Partial Disability Benefits” are at issue if the claimant has sustained a partial wage loss as a result of the compensable injury. Sections 8-42-103 and 106, C.R.S.

“Permanent Partial Disability Benefits” are payable after a claimant reaches maximum medical improvement and has sustained a permanent medical impairment determined by an authorized treating physician (ATP) or Division Independent Medical Examiner (DIME). Section 8-42-107, C.R.S. If the impairment is not a scheduled injury (Section 8-42-107(2), C.R.S.), no Application for Hearing can be filed and no hearing may be held until a DIME physician has submitted a report. Section 8-42-107(8), C.R.S.

“Permanent Total Disability Benefits” are an issue if the claimant has reached maximum medical improvement and the claimant is unable to earn a wage as a result of the compensable injury. Sections 8-40-201(16.5) and 8-42-111, C.R.S.

“Death Benefits” are payable to the dependents of a worker who has died as a result of work-related injuries. Section 8-42-114 to 117, C.R.S.

“Penalties” may be required to be paid by a party that violates a provision of the Act, the WCRP, or an order of a judge. If you are seeking a penalty, you must list the specific section of the Act that another party violated, and if you seek a penalty under the general penalty provision, Section 8-43-304, C.R.S., you must state with specificity the grounds on which the penalty is being asserted.

“Other Issues” – you may seek to have other issues relevant to your workers’ compensation claim heard. If you do, indicate what those other issues are and the appropriate sections of the Act that pertain to those issues.

Pre-Hearing ALJs may assist you in determining the appropriate issues for hearing and help you resolve the outstanding issues. To schedule a pre-hearing conference, call (303) 318-8736.

“Witnesses” – At the top of the second page, give the names and addresses of any witnesses you wish to have testify at your hearing. Rule 13, OACRP. You must arrange for the witness to be available and pay any expert witness fees. Rule 18-6, WCRP. Upon request, a judge may issue a subpoena for you to serve upon a listed witness. Section 8-43-207(1), WCRP. Subpoena forms and subpoena instructions are available at [www.colorado.gov/dpa/oac](http://www.colorado.gov/dpa/oac). If you plan to testify on your own behalf, you should list yourself as a witness.

**6. Section B – Request for the OAC to Set the Matter for Hearing:** If you are not represented by an attorney, you may request that the Office of Administrative Courts set the date and time of the hearing for you. The hearing must commence within 120 days after the Application for Hearing is filed.

**7. Section C - Signature:** You must sign the Application for Hearing, and provide your mailing address if you are not represented by an attorney. You may also give a fax number or e-mail address if you wish the Office of Administrative Courts or opposing parties to contact you by fax or e-mail.

**8. Section D – Certificate of Mailing:** Copies of the Application for Hearing must be mailed to the Office of Administrative Courts and to all parties and any attorneys who have entered their appearance of record. Section 8-43-211, C.R.S.; Rule 6, OACRP. The names and complete mailing addresses of all parties and the attorneys must be included in the Certificate of Mailing, and may be obtained by calling Customer Service at the Division of Workers’ Compensation at (303) 318-8700.

**9. Case Information Sheet (CIS):** Each party individually, or the parties jointly, are required to file a Case Information Sheet (CIS) no more than 20 days and no less than 5 days prior to the date of the hearing, except for disfigurement only hearings or as ordered by a Judge. Rule 20, OACRP.

**10. Subpoena Form and Subpoena Instructions:** Upon request, a judge may issue a subpoena for you to serve upon a listed witness. Section 8-43-207(1), C.R.S. Subpoena forms and subpoena instructions are available at [www.colorado.gov/dpa/oac](http://www.colorado.gov/dpa/oac).