

## **RULE X**

### **CLOSURE OF CLAIMS AND PETITIONS TO REOPEN**

#### **A. CLOSURE OF CLAIMS**

1. A claim may be closed by final order, final admission, or pursuant to paragraph 2 of this section.
2. When no action in furtherance of prosecution has occurred in a claim for at least 6 months, any of the parties may file a petition to close the claim for lack of prosecution.
  - a. Following receipt of a request to close the claim for lack of prosecution, the director will issue an order requiring the parties to show cause why the request should not be granted. A response to such order shall be filed within 30 days of the date the order was mailed.
  - b. If no response is filed within 30 days of the date the order was mailed, the claim shall be automatically closed, subject to the reopening provisions of the statute. If a response is filed within 30 days of the date the order was mailed, the director will determine whether the claim should remain open.

#### **B. PETITIONS TO REOPEN**

1. A petition to reopen filed pursuant to statute shall be filed with the Division and copied to the opposing party on the form prescribed by the Division.
2. A petition to reopen based upon a change of medical condition shall be filed with a medical report containing a description of the claimant's present condition and how the claimant's condition has deteriorated or improved.
3. A petition to reopen based upon an error, mistake, fraud, or overpayment shall identify specifically the error or mistake to be corrected or the basis for the alleged fraud or overpayment.
4. For those injuries arising after July 2, 1987 at 4:16 p.m. and prior to July 1, 1991, a Petition to Reopen shall be filed when a claimant is requesting a redetermination of the original permanent partial disability award pursuant to Section 8-42-110(3),

C.R.S. (repealed 7/1/91). The petition shall be filed with a statement outlining the circumstances of termination from employment.

5. Response to the Petition to Reopen shall be sent to the opposing party and the Division of Workers' Compensation.
6. For those injuries arising on or after July 1, 1991, resulting in permanent total disability, a petition to reopen based upon a request to terminate permanent total disability benefits shall contain a statement of the basis for the petition.
  - a. If within thirty (30) days of the date of mailing of the petition the claimant does not file a written objection with the Division, the insurance carrier or self-insured employer may terminate disability benefits as of the date of the petition.
  - b. Objection to the petition filed in a timely manner shall cause the case to be set for hearing to be held within sixty (60) days of the mailing of the petition.