

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION COMMISSIONERS' PREFERENCES

STANDARD PREFERENCES

The following preferences apply if the commissioner does not express another preference.

1. ACCEPTED WORD PROCESSING FORM

Unless otherwise indicated, documents submitted directly to the Commissioners' offices (i.e., by Email) must be in Word format.

2. TIMELINESS

Please be early for the hearing. Unless extra time is requested prior to the hearing either in the pre-hearing brief, Form 50, Form 51, Form 52, Form 21, or by contacting the Administrative Assistant, each hearing is allotted thirty (30) minutes. Nearly all hearings in denied claims take longer than thirty (30) minutes. Cases requiring interpreters always take longer than thirty (30) minutes.

3. SETTLEMENT

If a settlement has been reached in a case set for a hearing, the moving party is responsible to notify the Commission of the settlement in a timely manner. Failure to do so can result in a fine for failure to appear at a hearing.

4. DATES

If you are asking for temporary total benefits, temporary partial benefits, or if the Claimant has reached maximum medical improvement, please have the appropriate dates ready, during the pre-hearing conference.

5. ATTACHMENTS (Including Exhibits)

APA submissions should have the index on top. APAs must be paginated. Please give opposing counsel a set identical to that which you submit to the Commissioner. Please do not submit duplicate records. The non-moving party should remove duplicates from the APA submissions in response to APAs submitted by the moving party.

6. CREDIBILITY

Do not make any comments in the proposed order concerning **CREDIBILITY** or **CREDIBLE EVIDENCE**, unless instructed to do so in the hearing notes or request for a proposed order.

7. PROPOSED ORDERS

Please prepare proposed orders promptly, within the timeframe as listed on the hearing notes or per the Commissioners' preference. Please provide an original and three (3) copies of the proposed order along with a self-addressed, stamped envelope, unless a Commissioner is already using electronic transmission for proposed orders. If the electronic system is already in place, see Standard Preference #1 above, or that Commissioners' specific preference below.

8. WITHDRAWALS OF REQUESTS

Unless absolutely necessary, if you are going to withdraw your Form 50 or Form 21, do not wait until the day of the hearing or before the hearing to do so. If you withdraw your Form 21 and a Form 50 is in the file, the commissioner reserves the right to hold a hearing on the Form 50, and vice-versa.

9. MATTERS TO INCLUDE IN THE ORDER

1. APA Submissions
2. Stipulations
3. Statement of the Case (contentions of the parties, stated concisely)
4. Evidence of the Case (synopsis of the evidence, including testimony and medical reports)
5. Findings of Fact – numbered (Do NOT delete any of the above findings, however, the prevailing party may add findings to support the decision, except regarding credibility, unless instructed to do so)
6. Conclusions of Law (cite applicable statutory sections and case law)
7. Award

10. SECOND OPINIONS

Though they are not always ordered, second opinions, in most cases, will be granted. However, this does not restrict a party from challenging the issue at a hearing. The individual Commissioner will decide this on a case-by-case basis.