

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

IN RE HEARINGS AT ROAD
VENUES ON OR AFTER JANUARY
1, 2020

ORDER

FILED
OCT -9 2019
WORKERS' COMPENSATION

A. Background.

1. The Iowa Division of Workers' Compensation (DWC) conducts hearings in contested case proceedings in venues other than Des Moines (hereinafter "road venues").

2. DWC commonly schedules a morning and afternoon hearing for each day it conducts hearings at road venues.

3. Under Rule 876 IAC 4.19(3)(a), parties must schedule a primary and secondary (backup) hearing when requesting hearings at road venues.

4. Agency rules refer to "backup" hearing status while WCES uses the term "secondary." For administrative purposes, these terms are used interchangeably by DWC.

5. For cases scheduled to go to hearing at a road venue on or after January 1, 2020, this order changes the:

- a. Hearing start time of all morning hearings; and
- b. Scope of secondary (backup) status for all cases scheduled as backup hearings at road venues.

B. Start Time of Morning Hearings.

1. DWC has scheduled hearings for the morning and afternoon at road venues, with the morning hearing assigned a start time of 8:00 a.m.

2. DWC sent hearing assignment orders to the parties in cases scheduled for morning hearings at road venues that identify 8:00 a.m. as the start time for the hearing.

3. For all hearings at road venues scheduled to take place on or after January 1, 2020, the start time for a morning hearing is hereby changed from 8:00 a.m. to 9:00 a.m. All hearing assignment orders shall be amended to change the start time for morning hearings at road venues to 9:00 a.m.

4. The start time of road venue hearings scheduled to take place in the afternoon is unchanged by this order.

5. The start time of hearings scheduled to take place in Des Moines is unchanged by this order.

C. Scope of Secondary (Backup) Status.

1. Under Rule 876 IAC 4.19(3)(a), DWC requires parties to schedule a case as a secondary (backup) hearing at a road venue when scheduling the case as the primary hearing at a road venue.

2. To date, a case has served as the secondary (backup) hearing for either the morning hearing or the afternoon hearing on a given date. It has not been the secondary (backup) hearing for both the morning and afternoon. If the parties in a case scheduled as the primary hearing agree to a settlement, the case scheduled as the secondary (backup) for that date and time becomes the primary hearing for that date and time. For example:

a. If the case that is the primary morning hearing settles, the case that is the morning secondary (backup) hearing becomes the primary morning hearing on that date.

b. If the case that is the primary afternoon hearing settles, the case that is the afternoon secondary (backup) becomes the primary afternoon hearing on that date.

3. The scope of secondary (backup) status for all cases scheduled as the secondary (backup) hearing on or after January 1, 2020, is hereby changed so that cases assigned as the backup hearing shall serve as a secondary (backup) hearing for both the morning and afternoon primary hearings scheduled on the date on which the case is scheduled as the secondary (backup) hearing. For example:

a. If DWC scheduled a case as the secondary (backup) for a morning hearing on a date, the case is now a secondary (backup) for both the morning and afternoon hearings on that date.

b. If DWC scheduled a case as the secondary (backup) for an afternoon hearing on a date, the case is now a secondary (backup) for both the morning and afternoon hearings on that date.

4. DWC sent hearing assignment orders to the parties in cases scheduled as secondary (backup) hearings at road venues that identify whether the case is the secondary (backup) for the morning or afternoon hearing on a specific date. All hearing assignment orders shall be amended to change the scope of secondary (backup) status for hearings occurring on or after January 1, 2020, so that a case scheduled to be a secondary (backup) hearing shall be a secondary (backup) for both the morning and afternoon primary hearings scheduled for the date upon which the case is scheduled as the secondary (backup).

5. From the date of this order on, DWC shall schedule a case as a secondary (backup) hearing for a date at a road venue without assigning it a morning or afternoon secondary (backup) status. A case scheduled as a secondary (backup) hearing for a date shall be the secondary (backup) hearing for both the morning and afternoon primary hearings at the road venue on the date scheduled.

6. WCES will show whether a case is the primary or a secondary (backup) hearing for a given date, as well as whether a case is the first, second, third, or fourth secondary (backup) hearing for a given date.

Signed and filed this 9th day of October, 2019.

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