

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

IN RE SCHEDULING HEARINGS  
USING THE WORKERS'  
COMPENSATION ELECTRONIC  
SYSTEM

ORDER

**FILED**  
OCT -7 2019  
WORKERS' COMPENSATION

**A. Background.**

1. The Iowa Division of Workers' Compensation (DWC) began implementation of the Workers' Compensation Electronic System (WCES) on July 22, 2019, by completing the transition from:

- a. Paper filing in contested cases to electronic filing (eFiling);
- b. DWC's 1970s era mainframe case management system (CMS) to a new web-based CMS; and
- c. Electronic Data Interchange (EDI) 2.0, which had been in use since 2001, to EDI 3.1 for compliance with the requirements for reporting work injuries and subsequent activity on workers' compensation claims.

2. Another component of the transition to WCES is implementation of a new online hearing request tool that queries the DWC hearing calendar and the calendar of the presiding deputy commissioner to expedite the hearing scheduling process. Before going live with the new WCES hearing request feature, DWC had to manually enter hearing information for the hundreds of cases that had been scheduled for hearings at multiple venues across Iowa. The entry of information for previously scheduled hearings was necessary to ensure that a hearing will not be requested or scheduled using WCES for a date and time on which another hearing was already scheduled by DWC. In order

to complete this process, DWC implemented a moratorium on scheduling hearings. DWC has completed the manual entry of legacy hearing information into WCES.

3. DWC will begin scheduling hearings again in accordance with this order. The counsel of record for all parties and all self-represented litigants must schedule hearings in contested case proceedings by using the online hearing request tool on WCES to submit requests to DWC. Unless there is a technical failure in WCES, DWC will not schedule hearings by phone or email on or after the date of this order.

4. Under Rule 876 IAC 4.19(3), the counsel of record for all parties and self-represented litigants are required to contact DWC to schedule a hearing within 120 days, but not less than 60 days, following the filing of a petition. Because the hearing request tool on WCES was not available to the public, DWC will hold in abeyance, through January 1, 2020, the requirement in Rule 876 IAC 4.19(3) that parties must submit a request to schedule a case for hearing within 120 days following the filing of the petition for cases in which the petition was filed between April 1, 2019, and September 4, 2019.

5. The requirement under Rule 876 IAC 4.19(3) to submit a request for hearing to DWC within 120 days following the filing of the petition shall apply without abeyance to all cases in which the petition was filed either on or before March 31, 2019, or on or after September 5, 2019.

**A. Instructions on Submitting a Hearing Request on WCES.**

1. Parties must submit their hearing requests to DWC using the hearing request tool on WCES in accordance with the instructions developed by Tybera, which will be posted, when available, online at: [www.IowaWorkComp.gov](http://www.IowaWorkComp.gov).

2. The WCES hearing request tool allows parties to comply with the provisions of Rule 876 IAC 4.19(3) that govern the scheduling of hearings at venues other than Des Moines (road venues). Parties must submit requests for hearings at road venues in accordance with agency rules and the instructions available on the DWC website.

3. DWC will review and approve or reject hearing requests in the order in which they are submitted using the hearing request tool on WCES.

4. Parties must comply with the eligibility requirements in Sections B through E below when submitting a hearing request to DWC using the hearing request tool on WCES. Failure to comply with the eligibility requirements in Sections B through E may result in DWC denying the hearing request.

**B. Petition Filed On or Before December 31, 2018, and Cases in Which DWC Has Granted a Continuance.**

1. For cases in which the petition was filed with DWC on or before December 31, 2018, parties may use the WCES online hearing request tool to request a hearing date and time for their case beginning on October 14, 2019, through October 18, 2019.

2. For cases in which DWC has granted a continuance and in which a new date and time of hearing has not been scheduled, parties may use the WCES online

hearing request tool to request a hearing date and time for their case beginning on October 14, 2019, through October 18, 2019.

3. The parties may request a hearing in a consolidated case if one of the consolidated petitions qualifies under the criteria in this section.

4. Parties to cases that qualify under the criteria in this section that do not request a hearing within the designated timeframe must wait to submit a request until on or after November 4, 2019.

**C. Petition Filed Between January 1, 2019, and March 31, 2019.**

1. For cases in which the petition was filed with DWC between January 1, 2019, and March 31, 2019, parties may use the WCES online hearing request tool to request a hearing date and time for their case beginning on October 21, 2019, through October 25, 2019.

2. The parties may request a hearing in a consolidated case if one of the consolidated petitions qualifies under the criteria in this section.

3. Parties to cases that qualify under the criteria in this section that do not request a hearing within the designated timeframe must wait to submit a request until on or after November 4, 2019.

**D. Petition Filed Between April 1, 2019 and July 31, 2019.**

1. For cases in which the petition was filed with DWC between April 1, 2019, and July 31, 2019, parties may use the WCES online hearing request tool to request a hearing date and time for their case beginning on October 28, 2019, through November 1, 2019.

2. The parties may request a hearing in a consolidated case if one of the consolidated petitions qualifies under the criteria in this section.

3. Parties to cases that qualify under the criteria in this section that do not request a hearing within the designated timeframe must wait to submit a request until on or after November 4, 2019.

**E. All Cases That Qualify Under Rule 876 IAC 4.19(3).**

1. Under Rule 876 IAC 4.19(3), parties may not request a hearing time and date until 60 days after the petition is filed. This requirement shall remain in effect.

2. Beginning on November 4, 2019, parties may use the WCES online hearing request tool to request a hearing date and time for their case if it meets the requirements under Rule 876 IAC 4.19(3).

**F. Hearings Concerning Applications for Alternate Care.**

1. The moratorium on scheduling hearings that DWC enacted did not apply to hearings concerning applications for alternate care. DWC has continued to schedule and conduct hearings concerning applications for alternate care under Iowa Code section 85.27 and Rule 876 IAC 4.48.

2. Nothing in this order applies to the scheduling of hearings concerning applications for alternate care. DWC will continue to schedule and conduct hearings concerning applications for alternate care without change.

Signed and filed this 7th day of October, 2019.

*Joseph S. Cortese II*

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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION COMMISSIONER

APPENDIX

# Timetable for Submitting Hearing Requests

## *In re Scheduling Hearings Using the Workers' Compensation Electronic System*

- The Iowa Division of Workers' Compensation (DWC) is implementing an online hearing request tool as part of the transition to the Workers' Compensation Electronic System (WCES).
- The Workers' Compensation Commissioner issued the order, *In re Scheduling Hearings Using the Workers' Compensation Electronic System*, which governs the transition to the WCES hearing request tool.
- Parties may request a hearing in a consolidated case if one of the consolidated petitions qualifies by its date of filing.
- Parties must submit their hearing requests to DWC using the hearing request tool on WCES in accordance with the instructions developed by Tybera, which will be posted, when available, online at: [www.IowaWorkComp.gov](http://www.IowaWorkComp.gov).
- The WCES hearing request tool allows parties to comply with the provisions of Rule 876 IAC 4.19(3) that govern the scheduling of hearings at venues other than Des Moines (road venues). Parties must submit requests for hearings at road venues in accordance with agency rules and the instructions available on the DWC website.
- DWC will review and approve or reject hearing requests in the order in which they are submitted using the hearing request tool on WCES.
- Parties must comply with the eligibility requirements in the order when submitting a hearing request to DWC using the hearing request tool on WCES. Failure to comply with the eligibility requirements in Sections B through E may result in DWC denying the hearing request.
- The table below shows when parties may request a hearing on WCES under the Commissioner's order.

Qualifying Event in Case	Times to Request Hearing
Petition Filed On or Before December 31, 2018 or DWC Granted a Continuance	October 14, 2019 - October 18, 2019 & On or After November 4, 2019
Petition Filed January 1, 2019 - March 31, 2019	October 21, 2019 - October 25, 2019 & On or After November 4, 2019
Petition Filed April 1, 2019 - July 31, 2019	October 21, 2019 - October 25, 2019 & On or After November 4, 2019
All Qualifying Cases Under Rule 876 IAC 4.19(3)	On or After November 4, 2019