

**MINNESOTA WORKERS' COMPENSATION COURT OF APPEALS**  
**SUPPLEMENTAL STATEMENT OF NEED AND REASONABLENESS**

**Proposed Permanent Rules Governing**  
**Workers' Compensation Court of Appeals**  
**Rules of Procedure, Chapter 9800, R-0480**

**SUMMARY.**

The Workers' Compensation Court of Appeals (WCCA) has proposed amendments to its rules of procedure. On November 22, 2024, the Minnesota Department of Labor and Industry (DLI) submitted a comment on the proposed rules suggesting that WCCA lacks sufficient statutory authority to adopt the proposed rules as the Commissioner of DLI is directed by Minn. Stat. § 176.285, subd. 2(a), to specify the “manner and format” of electronic filings. WCCA considers this authority to extend to the control and operation of the system, not the finer details that relate to the specific needs of litigation before the court. WCCA has had four years of experience in receiving documents electronically through CAMPUS. The proposed rules rely on that experience to ensure that no conflict exists between the Commissioner’s authority to establish the standards for filing documents in CAMPUS and WCCA’s statutory authority to adopt rules governing filings in appeals and petitions to vacate. This supplemental statement of need and reasonableness sets out the background on the development of CAMPUS, WCCA’s analysis of the agency’s statutory authority to adopt the proposed rules, and specific analysis of each rule part identified by DLI as raising concerns.

**BACKGROUND ON THE CAMPUS SYSTEM.**

On November 9, 2016, the Minnesota Department of Labor and Industry (DLI) proposed that the Workers' Compensation Court of Appeals (WCCA) join in a project that would transform the handling of information and documents in workers' compensation litigation.<sup>1</sup> The project, at that time known as the Workers' Compensation System Modernization Project (WCMP), would create a portal for uploading documents into the workers' compensation system and provide for the seamless transition of documents between the three agencies involved in that litigation, DLI, the Minnesota Office of Administrative Hearings (OAH), and WCCA. WCCA agreed, along with OAH, to participate in the WCMP and both agencies sent staff to regularly meet with DLI staff and consultants to develop the request for proposal to hire the development firm to write the code

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<sup>1</sup> The DLI attendees were Deputy Commissioner Chris Leifeld and WCMP Project Director Brad Morse. The WCCA attendees were Chief Judge Patricia Milun, and Compensation Attorneys Principal Lise Schmidt, Janis Douglass, and Michael Lewis.

the system would run on. WCCA representatives were named to the WCMP steering committee, which met weekly.

Once the proposal was accepted to develop the system, later named CAMPUS, WCCA continued to participate on the steering committee and provided subject matter expertise in structuring the filing, document handling, and service aspects of CAMPUS. This expertise was particularly important given that each aspect of workers' compensation dispute resolution was handled by a different agency. DLI handled the initial reporting, claim filing, dispute resolution, and claims below certain statutory thresholds. OAH was responsible for most of the hearings and settlements conducted. WCCA heard appeals from all trial level decisions and heard petitions to vacate. After participating for some time, OAH determined that its needs required a dedicated system and declined to participate further. WCCA remained part of the project and continued to provide staff and assistance throughout the development and testing phases of the project.

In November 2020, CAMPUS launched. WCCA staff continue to participate as members of the CAMPUS steering committee, bringing forward the need for alterations in CAMPUS to ensure that the system meets the needs of all its users and complies with the standards set out in Minn. Stat. Chapter 176.

#### **DLI COMMENT – STATUTORY AUTHORITY.**

In its comment, DLI expressed concern that the proposed rules constitute an encroachment on the responsibilities of the Commissioner and DLI in establishing, maintaining, or controlling the CAMPUS system. WCCA has recognized from the beginning of the WCMP that DLI is the responsible party for creating and maintaining CAMPUS. This is reflected in proposed rule 9800.0300, "Electronic documents must be in a format suitable for filing in the CAMPUS system pursuant to Minnesota Statutes, section 176.2612." WCCA understands that the Commissioner establishes the format standards and controls access to the system. Minn. Stat. § 176.285, subd. 2. In each instance where a particular format for a document is identified, the proposed rules operate within the established standards for the CAMPUS system.

From the inception of the CAMPUS project, the goal was to provide a seamless mechanism for workers' compensation disputes to travel from DLI to OAH to WCCA. When OAH determined that a different system was needed to meet that agency's needs, the structure of the system was adjusted to accommodate the technical difficulties posed by two different case management systems. The provisions in Minn. Stat. § 176.2611 reflect the need to coordinate between the OAH and DLI systems. Clearly there was no need for such coordination between DLI and WCCA, as both agencies were and are committed to using the CAMPUS system. Subdivision 7 of that section expressly authorizes WCCA to modify its rules of procedure to use the electronic filing and service features of CAMPUS. Further, Minn. Stat. § 176.2612, subd. 1(b) requires that CAMPUS allow WCCA to perform its statutorily required functions. Those functions include receiving filings for both hearing appeals and considering petitions to vacate. Minn. Stat. §§ 175A.07, subd. 4, 176.421, and 176.461.

When CAMPUS became operational in November 2020, WCCA had existing rules of procedure which set out the format for documents to be filed. Most notably, documents were required to be filed on paper. These provisions needed to be changed if filings were to be accepted through CAMPUS, as was the intent from the beginning of the project. Minn. Stat. § 176.2611, subd. 7, is the authority for WCCA to change its rules to use CAMPUS as intended. Further, WCCA relies on its general statutory authority in Minn. Stat. § 175A.07, subd. 4, to set out specifications for documents filed in proceedings before the court.

As a practical matter, DLI has not identified any specific instance of a conflict between the proposed rules and the CAMPUS system. WCCA has four years of experience receiving filings through the CAMPUS system. The proposed rules rely on that experience to ensure that no conflict exists between the Commissioner's authority to establish the standards for filing documents in CAMPUS and WCCA's authority governing filings in appeals and petitions to vacate.

## **SPECIFIC RULE COMMENTS.**

DLI referenced four different rules as having some sort of involvement in the asserted lack of statutory authority for the proposed rules. Each rule will be addressed individually.

### Proposed Rule 9800.0100, subp. 6.

DLI indicated that the definition of "filed" set out in proposed rule 9800.0100, subp. 6, raised issues relating to the statutory authority of the proposed rules. The proposed rule is a modification of existing language to expand the definition to include receipt of a document by facsimile transmission or by electronic filing as set out in proposed rule 9800.0330. WCCA has been receiving electronic filing through CAMPUS since the November 2020 launch of the system. Minn. Stat. § 176.2611, subd. 7, states in pertinent part:

The Workers' Compensation Court of Appeals has authority to amend its rules of procedure to reflect electronic filing with the office under this section for purposes of section 176.421, subdivision 5, and to allow electronic filing with the court under section 176.285.

The statutory language has two parts. The first part authorizes WCCA to receive the electronic record compiled by OAH and transmit electronic documents to OAH (such as for referrals for fact findings). The second part reflects all aspects of document filing from litigants as set out in Minn. Stat. § 176.285. In practice, an authorized user logs in to CAMPUS through a web browser. The user selects either a particular claim, dispute, or appeal/petition for uploading a document. The user adds required metadata describing the document and selects the file to be uploaded, which must be in PDF format. Where appropriate, the system gives the user the option to electronically serve the document as part of the filing process.

The design and implementation of CAMPUS provides the Commissioner with control of access to the system through the granting of credentials to users. The determination of the format of documents to be filed is set by the Commissioner. The proposed rules require compliance with

the standards set by the Commissioner for using CAMPUS. Minn. Stat. § 176.2611, subd. 7, provides WCCA with the required statutory authority for directing litigants to use CAMPUS as set out in the proposed rule.

Proposed Rule 9800.0300.

DLI identified proposed rule 9800.0300 as raising some unspecified concern regarding the Commissioner's authority over setting the standards for CAMPUS. The rule sets out the format for documents to be filed with WCCA. The only portion of this rule that makes any reference to electronic filing states:

Electronic documents must be in a format suitable for filing in the CAMPUS system pursuant to Minnesota Statutes, section 176.2612.

This rule language requires that the document to be filed with WCCA meets the requirements set out by the Commissioner for filing any document in CAMPUS. Thus, to conduct electronic filing with WCCA, the filer must be: 1) an authorized user of CAMPUS, 2) utilizing the CAMPUS portal, and 3) submitting a document in PDF format. All of those requirements are reflected in the "manner and format" language of Minn. Stat. § 176.285, subd. 2(a). That there are specific requirements set out to meet the needs of WCCA in conducting appeals and petitions to vacate does not conflict in any way with the Commissioner's control over access to CAMPUS and setting the threshold requirements for a document to be filed in the system.

Proposed Rule 9800.0330.

DLI identified proposed rule 9800.0330 as raising some unspecified concern regarding the Commissioner's authority over setting the standards for CAMPUS. The rule sets out the specific effects of filing documents electronically with WCCA. The mechanism of filing in subpart 2 states:

Documents filed through the CAMPUS system must be in a format compatible to the system and where possible in searchable portable document format (PDF).

This rule language, just as with proposed rule 9800.0300, requires that the document to be filed with WCCA meets the requirements set out by the Commissioner for filing any document in CAMPUS. The additional provisions do not in any way encroach on the Commissioner's responsibility for the system.

Proposed Rule 9800.1600, subp. 1.

DLI expressed concern that the description of filing an appeal in proposed rule 9800.1600, subp. 1, was potentially in conflict with Minn. Stat. § 176.421, subd. 4. The statute provides for an appeal to be completed by filing with OAH a notice of appeal and providing a copy of that document to the Commissioner. The proposed rule does not mention the Commissioner's role in the appeal filing process. The reference to the Commissioner was not incorporated for the following reasons:

- 1) WCCA does not consider a reference to filing with the Commissioner to be necessary as part of these rules. As the statutory provision controls, the absence of a reference to that filing does not change the responsibilities of appellants in any way.
- 2) WCCA has long experience with the practices under this statutory provision after the launch of CAMPUS. DLI CAMPUS Help Desk staff refers to WCCA those appellants who ask how this filing can be accomplished. The difficulties experienced and the advice given by WCCA staff are set out in Attachment 1. DLI staff and the CAMPUS steering committee have been apprised of the situation and the advice given.
- 3) In Olson v. Midwest Printing Co., 347 N.W.2d 43 (Minn. 1984), the Minnesota Supreme Court held that the notice filing with the Commissioner was not jurisdictional, stating: “The requirement that a copy of the notice of appeal be filed with the commissioner simply assists the commissioner in carrying out purely administrative functions.”

Following the close of the comment period, DLI presented a draft of proposed statutory changes to the Workers’ Compensation Advisory Council (WCAC). WCAC is the body charged with considering changes to the workers’ compensation system in Minnesota. Minn. Stat. § 175.007, subd. 2. Included in the DLI proposal, appended as Attachment 2, is the deletion of the filing requirement at issue. WCCA has no objection to including the notice filing requirement in the proposed rule but continues to consider the requirement to be unnecessary for the foregoing reasons.

## CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

December 20, 2024  
Date

  
Patricia J. Milun, Chief Judge  
Minnesota Workers’ Compensation Court of Appeal

## **Attachment 1**

**From:** [Lewis, Michael W \(WCCA\)](#)  
**To:** [Pamela Osgood](#)  
**Subject:** Re: WCCA Case No. WC23-6520  
**Date:** Friday, August 11, 2023 1:07:38 PM

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Your experience is not the first time this has happened. As you know, the filing process for appeals to the WCCA set out in statute. Minn. Stat. Sec. 176.421, subd. 4 (2), requires filing “the original notice of appeal, with proof of service by admission or affidavit, with the chief administrative law judge and file a copy with the commissioner.” I am not aware of any specific mechanism that DLI has currently for filing the commissioner’s copy. I am aware that any effort to mail a copy to DLI is typically rejected for anyone who is not an unrepresented employee. This appears to be your situation. I have been suggesting to those who ask that the copy of the notice of appeal and proof of service be combined in a single PDF and uploaded in CAMPUS to the primary claim that resulted in the OAH proceeding. I do not think that DLI has a notice of appeal document type to describe the filing, so you will have to select some other document type and let DLI staff sort it out.

Please let me know if this requires clarification.

**Michael W. Lewis**

Compensation Attorney Principal

**Workers’ Compensation Court of Appeals**

Minnesota Judicial Center

P: 651-539-1206

F: 651-539-1212

[mn.gov/workcomp](https://mn.gov/workcomp)

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**From:** Pamela Osgood <posgood@katzmanka.com>  
**Sent:** Friday, August 11, 2023 12:59 PM  
**To:** Lewis, Michael W (WCCA) <michael.lewis@state.mn.us>  
**Subject:** WCCA Case No. WC23-6520

You don't often get email from posgood@katzmanka.com. [Learn why this is important](#)

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Good morning Michael,

I’m not sure what I should do in response to the attached Notice of Returned Documents that we received last week in the above-referenced Workers’ Compensation Court of Appeals case.

I originally completed the Notice of Appeal that I currently found

on the OAH website, and efiled and served it according to the instructions attached to it that say to efile it with OAH, and serve it on the parties and the Commissioner of DLI (I served it by mail). We then received an Acknowledgment of Appeal from OAH, and a confirmation of their receipt of the filing fee we paid to them. Following that, we received the attached Notice of Returned Documents from your office.

I spoke to someone at WCCA this morning. She said they received our Notice of Appeal that I efiled with OAH, and that they have what they need from us. In response to the Notice of Returned Documents, she wasn't sure what I should do, but she suggested that I call your office to see what you would recommend, and that I possibly try to eserve our Notice of Appeal on the Commissioner, through Campus, now.

I just now tried eserving the Commissioner through Campus, but when I try to do so there is a message in Campus that says: "Appeals are currently required to be filed directly with the Office of Administrative Hearings and cannot be filed in Campus." So I'm not able to find how to serve the Commissioner through Campus.

Can you help?

Pam  
720-519-2323

*Pamela R. Osgood*

Legal Assistant to Gary L. Manka

**KATZ & MANKA, LTD.**

**PLEASE NOTE: I AM NOT AVAILABLE MONDAYS AND FRIDAYS**

13911 Ridgedale Drive, Suite 330

Minnetonka, MN 55305

Main Phone: 612-333-1671

Direct Phone: 720-519-2323

Fax: 612-333-1608

[posgood@katzmanka.com](mailto:posgood@katzmanka.com)

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Date: 07/28/2023

To: 13911 Ridgedale Drive  
Suite 330  
Minnetonka, MN 55305

## Notice of returned documents

The Department of Labor and Industry (DLI) launched its new workers' compensation portal, Work Comp Campus, on November 2, 2020. Campus is a new technology system for electronically filing and viewing workers' compensation documents and reports with DLI.

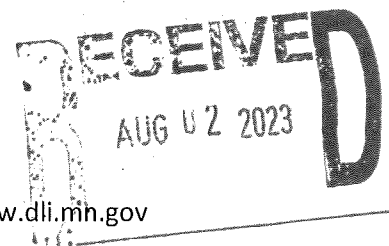
Your document(s) received by DLI on 07/28/2023 is being returned to you because it was not filed electronically in Campus as required by law. The enclosed document(s) must be filed in Campus to be considered filed with the DLI commissioner.

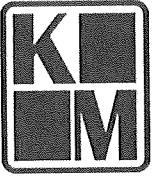
Minnesota Statutes, section 176.285, subdivision 2, requires documents that are authorized or required to be filed with or served on the commissioner of DLI on or after the effective date of Campus, to be filed electronically in Campus. Electronic filing excludes facsimile and email, unless authorized by the agency. A document is deemed filed on the business day it is accepted for filing on or before 11:59 p.m. A document that is not filed in the manner and format required by an agency may be rejected and is not considered filed (Minn. Stat. section 176.275, subd. 1). An employee with a workers' compensation claim may, but is not required to, file documents electronically.

If you have any questions about how to create a Campus account or file a document in Campus, contact the Workers' Compensation Division Help Desk, 651-284-5005 (press 3) or 800-342-5354 (press 3). To learn more about Campus and how to log in or to access training and other resources, visit [www.dli.mn.gov/business/workers-compensation/work-comp-campus](http://www.dli.mn.gov/business/workers-compensation/work-comp-campus).

Enclosures

Equal Opportunity Employer





*Attorneys at Law  
Established 1958*

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June 29, 2023

A. Larry Katz  
(1933-2021)

Gary L. Manka

Daniel Peterson  
1775 North Andrews Square, #W210  
Fort Lauderdale, FL 33311

Commissioner  
Department of Labor & Industry  
443 Lafayette Road  
St. Paul, MN 55155

NSP/Xcel Energy, Inc.  
414 Nicollet Mall  
Minneapolis, MN 55401

Broadspire  
PO Box 14838  
Lexington, KY 40512

RE: Daniel Peterson v. NSP, n/k/a Xcel Energy, et al.  
Our File No. 81-1857-001

Ladies and Gentlemen:

Enclosed herewith and served upon you by United States Mail, please find the employee's Notice of Appeal to Workers' Compensation Court of Appeals.

Very truly yours,

/s/ Gary L. Manka

Gary L. Manka

GLM:pro  
Enclosure

cc: Gina M. Uhrbom      *Via Email: [guhrbom@brownandcarlson.com](mailto:guhrbom@brownandcarlson.com)*

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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WID: 2514693  
DOI: 05/04/1980

OAH Case No. 2514693-MR-4387  
Workers' Compensation Judge:  
Stephen R. Daly

Daniel Peterson,  
Employee

**NOTICE OF APPEAL TO WORKERS'  
COMPENSATION COURT OF  
APPEALS**

v.

Northern States Power Company,  
n/k/a Xcel Energy, Inc.,  
Employer

and

Self-Insured, administered by  
Broadspire,  
Insurer

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1. The above-named party, Daniel Peterson, appeals Judge Stephen R. Daly's decision, issued on May 31, 2023, to the Workers' Compensation Court of Appeals.

2. The following issues are raised in this Notice of Appeal: **There were evidentiary errors resulting in errors of law and fact.**

3. The specific findings and orders appealed are (if any grounds cannot be explained by reference to the specific findings, a written explanation is attached): **The judge's Findings were not supported by the evidence, and the Employee hereby specifically appeals Findings 44, 45, 46, 49, 51, 53, 56, and 59.**

Dated: June 29, 2023.

KATZ & MANKA, LTD.

By /s/ Gary L. Manka

Gary L. Manka #67180  
Attorney for Daniel Peterson  
Phone number: 612-333-1671  
Email: gmanka@katzmanka.com  
13911 Ridgedale Drive, Suite 330  
Minnetonka, MN 55305

*Any person who, with intent to defraud, receives workers' compensation benefits to which the person is not entitled by knowingly misrepresenting, misstating, or failing to disclose any material fact is guilty of theft and shall be sentenced pursuant to Minn. Stat. § 609.52, subd. 3 (2022).*

*Private or confidential data you supply on this form, and in communications or proceedings that occur because you file this form, will be used to process and resolve your workers' compensation dispute. The data will be used by the Office of Administrative Hearings staff who have authorized access to the data, and may be used for state investigations and statistics. You may refuse to supply the data, but if you refuse your claim may be delayed or denied, or the form may be returned to you. The data will be made part of the office's file for your claim and may be supplied to: anyone who has access to the file or the data by authorization or court order; the employer and insurer for your claim; the Department of Labor and Industry; the Workers' Compensation Court of Appeals; the Departments of Revenue and Health; and the workers' compensation reinsurance association.*

**STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS**

**WID: 2514693  
DOI: 05/04/1980**

---

Daniel Peterson,

Employee,

OAH Case No. 2514693-MR-4387  
Workers' Compensation Judge:  
Stephen R. Daly

vs.

Northern States Power Company,  
n/k/a Xcel Energy, Inc.,

Employer,

**AFFIDAVIT OF SERVICE**

and

Self-Insured, Administered by  
Broadspire,

Insurer.

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I, Pamela R. Osgood, state that on June 29, 2023, I served the following documents:

Notice of Appeal to Workers' Compensation Court of Appeals

by eService or United States Mail, with sufficient postage, as indicated below, upon:

Daniel Peterson  
1775 North Andrews Square, #W210  
Fort Lauderdale, FL 33311

***Via US Mail***

Commissioner  
Department of Labor & Industry  
443 Lafayette Road  
St. Paul, MN 55155

***Via US Mail***

Gina M. Uhrbom  
Brown & Carlson, PA

***Via Eservice***

NSP/Xcel Energy, Inc.  
414 Nicollet Mall  
Minneapolis, MN 55401

***Via US Mail***

Broadspire  
PO Box 14838  
Lexington, KY 40512

***Via US Mail***

I declare under penalty of perjury that everything I have stated in this document is true and correct.

/s/ Pamela R. Osgood

Pamela R. Osgood  
Legal Assistant to Gary L. Manka  
Katz & Manka, Ltd.  
13911 Ridgedale Drive, Suite 330  
Minnetonka, MN 55305  
612-333-1671  
Email: posgood@katzmanka.com

Dated: June 29, 2022.

## **Attachment 2**

**DRAFT DLI PROPOSALS FOR 2025 LEGISLATIVE SESSION**

**176.011 DEFINITIONS.**

**[For subdivisions 1-10, see M.S.]**

Subd. 11. **Executive officer of a corporation.** "Executive officer of a corporation" means any officer of a corporation elected or appointed in accordance with its charter or bylaws, or pursuant to section 302A.011, subdivision 18.

**176.041 EXCLUDED EMPLOYMENTS; APPLICATION, EXCEPTIONS, ELECTION OF COVERAGE.**

**Subd. 1a. Election of coverage.**

The persons, limited liability companies, and corporations described in this subdivision may elect to provide the insurance coverage required by this chapter.

(a) An owner or owners of a business or farm may elect coverage for themselves.

(b) A partnership owning a business or farm may elect coverage for any partner.

(c) A family farm corporation as defined in section 500.24, subdivision 2, clause (c), may elect coverage for any executive officer.

(d) A closely held corporation which had less than 22,880 hours of payroll in the previous calendar year may elect coverage for any executive officer if that executive officer is also an owner of at least 25 percent of the stock of the corporation.

(e) A limited liability company which had less than 22,880 hours of payroll in the previous calendar year may elect coverage for any manager if that manager is also an owner of at least 25 percent membership interest in the limited liability company.

(f) A person, partnership, limited liability company, or corporation hiring an independent contractor, as defined by rules adopted by the commissioner, may elect to provide coverage for that independent contractor. A person, partnership, limited liability company, or corporation may charge the independent contractor a fee for providing the coverage only if the independent contractor (1) elects in writing to be covered, (2) is issued an endorsement setting forth the terms of the coverage, the name of the independent contractors, and the fee and how it is calculated.

(g) The persons, partnerships, limited liability companies, and corporations described in this subdivision may also elect coverage for an employee who is a spouse, parent, or child, regardless of age, of an owner, partner, manager, or executive officer, who is eligible for coverage under this subdivision. Coverage may be elected for a spouse, parent, or child whether or not coverage is elected for the related owner, partner, manager, or executive director and whether or not the person, partnership, limited liability company, or corporation employs any other person to perform a service for hire. Any person for whom coverage is elected pursuant to this subdivision shall be included within the meaning of the term employee for the purposes of this chapter.

(h) Notice of election of coverage or of termination of election under this subdivision shall be provided in writing to the insurer. Coverage or termination of coverage is effective the day following receipt of notice by the insurer or at a subsequent date if so indicated in the notice. The insurance policy shall be endorsed to indicate the names of those persons for whom coverage has been elected or terminated under this subdivision. An election of coverage under this subdivision shall continue in effect as long as a policy or renewal policy of the same insurer is in effect.

(i) Nothing in this subdivision shall be construed to limit the responsibilities of owners, partnerships, limited liability companies, or corporations to provide coverage for their owners, partners, managers, executive officers, or employees, if any, as required under this chapter.

#### **176.151 TIME LIMITATIONS.**

The time within which the following acts shall be performed shall be limited to the following periods, respectively:

(a) Actions or proceedings by an injured employee to determine or recover compensation, three years after ~~the employer has made a~~ written report of the injury has been made to the commissioner of the Department of Labor and Industry, but not to exceed six years from the date of the accident.

(b) Actions or proceedings by dependents to determine or recover compensation, three years after the receipt by the commissioner of the Department of Labor and Industry of written notice of death, given by the employer, but not to exceed six years from the date of injury, provided, however, if the employee was paid compensation for the injury from which the death resulted, such actions or proceedings by dependents must be commenced within three years after the receipt by the commissioner of the Department of Labor and Industry of written notice of death, given by the employer, but not to exceed six years from the date of death. In any such case, if a dependent of the deceased, or any one in the dependent's behalf, gives written notice of such death to the commissioner of the Department of Labor and Industry, the commissioner shall forthwith give written notice to the employer of the time and place of such death. In case the deceased was a native of a foreign country and leaves no known dependent within the United States, the commissioner of the Department of Labor and Industry shall give written notice of the death to the consul or other representative of the foreign country forthwith.

(c) In case of physical or mental incapacity, other than minority, of the injured person or dependents to perform or cause to be performed any act required within the time specified in this section, the period of limitation in any such case shall be extended for three years from the date when the incapacity ceases.

(d) In the case of injury caused by x-rays, radium, radioactive substances or machines, ionizing radiation, or any other occupational disease, the time limitations otherwise prescribed by Minnesota Statutes 1961, chapter 176, and acts amendatory thereof, shall not apply, but the employee shall give notice to the employer and commence an action within three years after the employee has knowledge of the cause of such injury and the injury has resulted in disability.

#### **176.421 APPEALS TO WORKERS' COMPENSATION COURT OF APPEALS.**

[For subdivisions 1-3, see M.S.]

Subd. 4. **Service and filing of notice; cost of transcript.** Within the 30-day period for taking an appeal, the appellant shall:

(1) serve a copy of the notice of appeal on each adverse party; and

(2) pursuant to section 176.285, file the original notice of appeal, with proof of service by admission or affidavit, with the chief administrative law judge ~~and file a copy with the commissioner.~~

In order to defray the cost of the preparation of the record of the proceedings appealed from, each appellant and cross-appellant shall pay to the commissioner of management and budget, Office of Administrative Hearings account the sum of \$25. The filing fee must be received by the Office of Administrative Hearings within ten business days after the end of the appeal period. If the filing fee is not received within ten days after the appeal period, the appeal is not timely filed.

The first party to file an appeal is liable for the original cost of preparation of the transcript. Cross-appellants or any other persons requesting a copy of the transcript are liable for the cost of the copy. The chief administrative law judge may require payment for transcription costs to be made in advance of the transcript preparation. The cost of a transcript prepared by a nongovernmental source shall be paid directly to that source and shall not exceed the cost that the source would be able to charge the state for the same service.

Upon a showing of cause, the chief administrative law judge may direct that a transcript be prepared without expense to the party requesting its preparation, in which case the cost of the transcript shall be paid by the Office of Administrative Hearings.

All fees received by the Office of Administrative Hearings for the preparation of the record for submission to the Workers' Compensation Court of Appeals or for the cost of transcripts prepared by the office shall be deposited in the Office of Administrative Hearings account in the state treasury and shall be used solely for the purpose of keeping the record of hearings conducted under this chapter and the preparation of transcripts of those hearings.

[For subdivisions 5-7, see M.S.]

#### **Repealer**

Minnesota Rules, part 5220.2840 is repealed.