

Regulations of Connecticut State Agencies

TITLE 31. Labor

Agency

Workers' Compensation Commission

Subject

Appeal from Compensation Commissioner (CRB Appeal Procedure)

Inclusive Sections

§§ 31-301-1—31-301-11

CONTENTS

Sec. 31-301-1.	Appeal
Sec. 31-301-2.	Reasons of appeal
Sec. 31-301-3.	Finding
Sec. 31-301-4.	Correction of finding
Sec. 31-301-5.	Evidence to be filed by appellee
Sec. 31-301-6.	Assignable errors
Sec. 31-301-7.	Duty of commissioner on appeal
Sec. 31-301-8.	Function of compensation review division
Sec. 31-301-9.	Additional evidence
Sec. 31-301-10.	Pro forma award
Sec. 31-301-11.	Motion to correct not reserved

Appeal from Compensation Commissioner (CRB Appeal Procedure)

Sec. 31-301-1. Appeal

An appeal from an award, a finding and award, or a decision of the commissioner upon a motion shall be made to the Compensation Review Board by filing in the office of the commissioner form which such award or such decision on a motion originated an appeal petition and five copies thereof. Such appeal shall be filed within twenty days after the entry of such award or decision and shall be in substantial conformity with the forms approved by said board. Such commissioner within three days thereafter shall mail such petition and three copies thereof to the chairman of the Compensation Review board and a copy thereof to the adverse party or parties, and shall thereupon, or as soon thereafter as shall be practicable, cause to be filed with the Chairman of the Compensation Review Board a certified copy of the award or of the decision upon a motion together with a finding upon which the award was predicated, with such other parts of the record as are necessary for a proper consideration of the appeal. The commissioner shall, upon order of the Compensation Review Board, file a certified copy of any other document comprising a part of the record which the board deems necessary for the proper disposition of the appeal.

(Effective June 24, 1980; Amended December 26, 2001)

Sec. 31-301-2. Reasons of appeal

Within ten days after the filing of the appeal petition, the appellant shall file with the compensation review division his reasons of appeal. Where the reasons of appeal present an issue of fact for determination by the division, issue must be joined by a pleading filed in accordance with the rules applicable in ordinary civil actions; but where the issue is to be determined upon the basis of the finding of the commissioner and the evidence before him, no pleadings by the appellee are necessary.

(Effective June 24, 1980)

Sec. 31-301-3. Finding

The finding of the commissioner should contain only the ultimate relevant and material facts essential to the case in hand and found by him, together with a statement of his conclusions and the claims of law made by the parties. It should not contain excerpts from evidence or merely evidential facts, nor the reasons for his conclusions. The opinions, beliefs, reasons and argument of the commissioner should be expressed in the memorandum of decision, if any be filed, so far as they may be helpful in the decision of the case.

(Effective June 24, 1980)

Sec. 31-301-4. Correction of finding

If the appellant desires to have the finding of the commissioner corrected he must, within two weeks after such finding has been filed, unless the time is extended for cause by the commissioner, file with the commissioner his motion for the correction of the finding and

with it such portions of the evidence as he deems relevant and material to the corrections asked for, certified by the stenographer who took it, but if the appellant claims that substantially all the evidence is relevant and material to the corrections sought, he may file all of it so certified, indicating in his motion so far as possible the portion applicable to each correction sought. The commissioner shall forthwith, upon the filing of the motion and of the transcript of the evidence, give notice to the adverse party or parties.

(Effective June 24, 1980)

Sec. 31-301-5. Evidence to be filed by appellee

The appellee should if he deems that additional evidence is relevant and material to the motion to correct, within one week after the appellant has filed his transcript of evidence, so notify the commissioner, and at the earliest time he can procure it file with the commissioner such additional evidence.

(Effective June 24, 1980)

Sec. 31-301-6. Assignable errors

The reasons of appeal may assign, in addition to other errors: first, that the conclusions of the commissioner are legally inconsistent with the subordinate facts found; second, that the commissioner erred in refusing to grant a motion to correct the finding or in refusing to find the facts as contained in the motion.

(Effective June 24, 1980)

Sec. 31-301-7. Duty of commissioner on appeal

The commissioner shall file with the compensation review division, within a reasonable time, such motions together with his decisions thereon. If the motions are denied in whole or in part and such denial is made a ground of appeal, the commissioner shall, within a reasonable time thereafter, file in the compensation review division the transcripts of evidence as may have been taken before the commissioner in the form of testimony, or taken by him in other ways, and deemed by him to be relevant and material to these corrections.

(Effective June 24, 1980)

Sec. 31-301-8. Function of compensation review division

Ordinarily, appeals are heard by the compensation review division upon the certified copy of the record filed by the commissioner. In such cases the division will not retry the facts or hear evidence. It considers no evidence other than that certified to it by the commissioner, and then for the limited purpose of determining whether the finding should be corrected, or whether there was any evidence to support in law the conclusion reached. It cannot review the conclusions of the commissioner when these depend upon the weight of the evidence and the credibility of witnesses. Its power in the corrections of the finding of the commissioner is analogous to, and its method of correcting the finding similar to the

Regulations of Connecticut State Agencies

TITLE 31. Labor

Workers' Compensation Commission

§31-301-11

power and method of the Supreme Court in correcting the findings of the trial court.

(Effective June 24, 1980)

Sec. 31-301-9. Additional evidence

If any party to an appeal shall allege that additional evidence or testimony is material and that there were good reasons for failure to present it in the proceedings before the commissioner, he shall by written motion request an opportunity to present such evidence or testimony to the compensation review division, indicating in such motion the nature of such evidence or testimony, the basis of the claim of materiality, and the reasons why it was not presented in the proceedings before the commissioner. The compensation review division may act on such motion with or without a hearing, and if justice so requires may order a certified copy of the evidence for the use of the employer, the employee or both, and such certified copy shall be made a part of the record on such appeal.

(Effective June 24, 1980)

Sec. 31-301-10. Pro forma award

In case of a pro forma award by a commissioner as provided by section 31-324, Connecticut General Statutes, if a correction to the commissioner's finding is sought, an appeal to the compensation review division shall be taken but shall be confined to the issues involved in the corrections claimed.

(Effective June 24, 1980)

Sec. 31-301-11. Motion to correct not reserved

Motions to correct the finding of the commissioner cannot be reserved. They must be decided by the compensation review division.

Regulations of Connecticut State Agencies

TITLE 31. Labor

§31-301-11

Workers' Compensation Commission

STATE OF CONNECTICUT
COMPENSATION REVIEW DIVISION
BOARD OF COMPENSATION COMMISSIONERS

PETITION FOR REVIEW

Name			Date Rec. In Comp. Ofc.	Date FWD to CRD
Address				
City	State	Zip Code	Filed by: Claimant	
Vs			Employer: _____ Insurer: _____	
Name				
Address				
City	State	Zip Code		
Employer				
Name				
Address				
City	State	Zip Code		
Employer's Liability Insurer				

The undersigned party (or parties) hereby appeal(s) to the Compensation Review Division of the Board of Compensation Commissioners from the commissioner's (award) (finding and award) or (decision) dated _____

Signature of Appellant or Attorney _____ Date _____

A statement of reasons for the appeal must be filed within ten (10) days after the filing of this petition, unless the commissioner extends the time for cause. The statement should allege why the commissioner was wrong in regard to the law, or in regard to finding or not finding important facts according to the evidence presented at the hearing.

If appellant claims the commissioner's finding of facts is wrong, a motion to correct the finding should be filed within two (2) weeks after such finding has been filed, unless the commissioner extends such time for cause. With such a motion must be filed such parts or all of the transcript of the evidence as appellant relies on. For this purpose a transcript must be requested.

A transcript is hereby requested for this appeal. Check one: Yes _____ No _____.

Appellant may also file a motion to submit additional evidence or testimony, if material, and if there were good reasons for failure to present it in hearing before the commissioner.

A motion will be filed asking permission to submit additional evidence or testimony. Check one: Yes _____ No _____.

An original and five (5) copies of this form must be completed and filed with the office of the commissioner issuing the award, finding and award or decision appealed from within ten (10) days after its entry, or the appeal will be denied.

(Effective June 24, 1980)