

**Document:** Readopted Rules

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**TITLE 631 WORKER'S COMPENSATION  
BOARD OF INDIANA**

LSA Document #01-182

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

**631 IAC 1-1-1**

**631 IAC 1-1-24**

SECTION 1. UNDER IC 4-22-2.5-3, 631 IAC 1-1-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**631 IAC 1-1-1 Location and hours of board office**

**Authority:** IC 22-3-1-3

**Affected:** IC 22-3-4-1; IC 22-3-7-22

Sec. 1. (a) The office of the ~~Industrial worker's compensation board of Indiana (board)~~ is located at ~~601 Indiana State Office Building, 100 North Senate Avenue, Indiana Government Center-South, 402 West Washington Street, Room W196,~~ Indianapolis, **Indiana**. The office will be open continuously from 8:15 o'clock a.m. until 4:45 o'clock p.m. on each week day, Monday through Friday. The board fully appreciates the fact that its members are public servants; that, to make its administration successful, it will need the support and cooperation of the citizens of the state generally, and this the board earnestly solicits.

(b) The office of the board is a public place, and every citizen of the state is always welcome without the formality of an invitation. (*Worker's Compensation Board of Indiana; Rule 1; filed Jul 17, 1963, 11:10 p.m.: Rules and Regs. 1964, p. 105; filed May 12, 1983, 10:15 a.m.: 6 IR 1239, eff Sep 1, 1983*) NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-1) to the Worker's Compensation Board of Indiana (631 IAC 1-1-1) by P.L.28-1988, SECTION 121, effective July 1, 1988.

SECTION 2. UNDER IC 4-22-2.5-3, 631 IAC 1-1-24 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**631 IAC 1-1-24 Schedule of attorney fees**

**Authority:** IC 22-3-1-3

**Affected:** IC 22-3-4-12; IC 22-3-8-1; IC 22-3-8-2

Sec. 24. (a) The **worker's compensation board of Indiana (board)** has adopted the following schedule of attorney fees ~~which~~ **that** shall be applicable to all cases filed ~~on or after~~ **between** September 1, 1983, and **August 31, 2001:**

(1) a minimum of **one hundred dollars (\$100)** and upon the first **ten thousand dollars (\$10,000)** of the recovery, **twenty percent (20%);**

(2) on the second **ten thousand dollars (\$10,000)** of recovery, **fifteen percent (15%);** and

(3) **ten percent (10%)** upon all recovery in excess of **twenty thousand dollars (\$20,000).**

(b) **The board has adopted the following schedule of attorney fees that shall be applicable to all cases filed on or after September 1, 2001:**

(1) **A minimum of two hundred dollars (\$200) and upon the first fifty thousand dollars (\$50,000) of the recovery, twenty percent (20%).**

(2) **Fifteen percent (15%) upon all recovery in excess of fifty thousand dollars (\$50,000).**

(c) Provided, however, the board maintains continuing jurisdiction over all attorney fees in cases before the board and the board

may order a different attorney fee schedule or allowance in a proper case.

(d) In death cases where there is no dispute, the board has jurisdiction to award an attorney fee based upon the above schedule or upon such other factors as the board may determine so as to prevent an unjust result to either the dependent-claimant or the attorney.

(e) Medical and hospital expenses of an employee paid for or to the employee as a result of:

(1) a Form 12 agreement;

(2) an award written upon the agreed stipulation of the parties; or

(3) an award made pursuant to a hearing before the board or a single member thereof;

are not compensation and will not be included in the computation of attorney's fees as defined in the paragraph above, nor shall they be considered in the computation of attorney's fees. Provided, however, in cases where there is a dispute with respect to medical or hospital expenses and counsel for the claimant is required to expend time and effort to collect such disputed medical or hospital expense then, in such cases, on proper application, with or without hearing, the board may award an additional attorney fee but in no event shall such additional attorney fee exceed ~~10%~~ **fifteen percent (15%)** of the amount actually in dispute and actually collected by the attorney.

(f) No application for additional attorney's fees will be considered by the board unless said application is made in writing on or before the hearing of claim for compensation, either before a single hearing member or the full ~~industrial board of Indiana.~~ *Worker's Compensation Board of Indiana; Rule 28; filed Jul 17, 1963, 11:10 p.m.: Rules and Regs. 1964, p. 106; filed Aug 31, 1966, 2:15 p.m.: Rules and Regs. 1967, p. 85; filed Aug 3, 1973, 3:00 p.m.: Rules and Regs. 1974, p. 360; filed May 12, 1983, 10:15 a.m.: 6 IR 1245, eff Sep 1, 1983* NOTE: Renumbered Rule 27 by 1967; 84. NOTE: Transferred from the Industrial Board of Indiana (630 IAC 1-1-27) to the Worker's Compensation Board of Indiana (631 IAC 1-1-24) by P.L.28-1988, SECTION 121, effective July 1, 1988.

### **Notice of Public Hearing**

*Under IC 4-22-2-24 and IC 4-22-2.5-3, notice is hereby given that on October 22, 2001 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W196, Hearing Room, Indianapolis, Indiana the Worker's Compensation Board of Indiana will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:*

*Sandra Cerimele-Fralich*

*Worker's Compensation Board of Indiana*

*402 West Washington Street, Room W196*

*Indianapolis, Indiana 46204*

*Copies of these rules are now on file at the Worker's Compensation Board of Indiana, 402 West Washington Street, Room W196 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

G. Terrence Coriden  
Chairman  
Worker's Compensation Board of Indiana