CHAPTER 92-01-03
DECISION REVIEW OFFICE

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92-01-03-01. History and functions of the decision review office.

1. **History.** Legislation enacting the decision review office was passed in 1995 and is codified as North Dakota Century Code section 65-02-27. The legislation took effect on August 1, 1995.

2. **Functions.** The program has been developed to educate and provide assistance to injured employees in the workers' compensation system. The goal is to resolve claims disputes in a timely and professional manner. If an employee has a concern with a claim, the employee may contact the decision review office and request assistance.

History: Effective April 1, 1996; amended effective May 1, 2000; July 1, 2010.
General Authority: NDCC 65-02-08
Law Implemented: NDCC 65-02-27

92-01-03-02. Definitions.

In this chapter:

1. "Act" means the North Dakota Workers Compensation Act.

2. "Attempt to resolve" means a prompt, active, honest, good-faith effort by the claimant to settle disputes with the organization, through the office.

3. "Benefits" means an obligation of the organization to provide a claimant with assistance as required by the Act.

4. "Certificate of completion" means the form sent to the claimant when the office closes its file, which acknowledges the claimant made a good-faith effort to resolve the dispute.

5. "Claimant" means an employee who has filed a claim for benefits with the organization.

6. "Decision review specialist" means a person employed by the office to assist a claimant in a disputed claim.

7. "Disputed claim" means a challenge to an order issued by the organization.

8. "Interested party" means:

   a. The claimant.

   b. The claims adjuster assigned to that claimant's claim.

   c. A claims supervisor.

   d. The claimant's employer or immediate supervisor.

   e. The claimant's treating doctor.

   f. A member of the organization's legal department.

g. Any other person the decision review specialist determines appropriate.

9. "Office" means the decision review office.

10. "Order" means an administrative order issued pursuant to North Dakota Century Code chapter 28-32 or section 65-01-16.

11. "Organization" means workforce safety and insurance, or the director, or any department heads, assistants, or employees of the organization designated by the director to act within the course and scope of their employment in administering the policies, powers, and duties of the Act.

History: Effective April 1, 1996; amended effective May 1, 2000; July 1, 2004; July 1, 2010; January 1, 2018.
General Authority: NDCC 65-02-08
Law Implemented: NDCC 65-02-27

92-01-03-03. Request for assistance - Timely request for consideration or rehearing.

A claimant shall request assistance with the resolution of a dispute that arises from an order in writing within forty-five days from the date of service of the order. An oral request is sufficient to toll the statutory time limit for requesting rehearing if that request is followed by a written request for assistance which is received by the office within ten days after the oral request was made.

History: Effective April 1, 1996; amended effective May 1, 1998; May 1, 2000; July 1, 2010; January 1, 2022.
General Authority: NDCC 65-02-08
Law Implemented: NDCC 65-01-16, 65-02-27

92-01-03-04. Procedure for dispute resolution.

1. A claimant may contact the office for assistance at any time. The claimant shall contact the office to request assistance with a dispute arising from an order within forty-five days of the date of service of the order. A claimant must make an initial request in writing for assistance with an order.

2. In an attempt to resolve the dispute, the decision review specialist may contact any interested parties. After oral or written contact has been made with the appropriate interested parties, the decision review specialist will attempt to accomplish a mutually agreeable resolution of the dispute between the organization and the claimant. The decision review specialist may facilitate the discussion of the dispute but may not modify a decision issued by the organization.

3. If a claimant has attempted to resolve the dispute and an agreement cannot be reached, the decision review specialist shall issue a certificate of completion. The decision review specialist will send the certificate of completion to the claimant and will inform the claimant of the right to pursue the dispute through hearing. To pursue a formal rehearing of the claim, the claimant shall file a request for rehearing with the organization's legal department within forty-five days after the certificate of completion is mailed.

4. If a claimant has not attempted to resolve the dispute, the office shall notify the claimant by letter, sent by regular mail, of the claimant's nonparticipation in the office and that no attorney's fees shall be paid by workforce safety and insurance should the claimant prevail in subsequent litigation. The decision review specialist shall inform the claimant of the right to pursue the dispute through hearing. To pursue a formal rehearing of the claim, the claimant shall file a request for rehearing with the organization's legal department within forty-five days after the letter of noncompliance is mailed.

5. If an agreement is reached, the organization must be notified and an order or other legal document drafted based upon the agreement.

6. The office will complete action within thirty days from the date that the office receives a claimant's request for assistance. This time frame can be extended if the decision review specialist is in the process of obtaining additional information.

History: Effective April 1, 1996; amended effective May 1, 1998; May 1, 2000; July 1, 2004; July 1, 2006; July 1, 2010; April 1, 2012; January 1, 2018; January 1, 2022.
General Authority: NDCC 65-02-08
Law Implemented: NDCC 65-01-16, 65-02-27

92-01-03-05. Informal benefit review conference - Notice.

Repealed effective May 1, 2000.