

Title 14 INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

Chapter .11 Judicial Review Procedures

ALL NEW

.01 Petition for Judicial Review.

A. A party seeking judicial review of a decision of the Commission shall file a petition for judicial review in the circuit court within 30 days after the date the Commission's order was mailed in accordance with Labor and Employment Article, § 9-737, Annotated Code of Maryland, and the Maryland Rules, 7-201, et seq.

B. A party filing a petition for judicial review shall serve a copy of the petition on the Commission in accordance with Labor and Employment Article, § 9-737, Annotated Code of Maryland, and Maryland Rule 7-202(d).

C. A party seeking judicial review of a decision granting or denying attorney's fees shall serve a copy of the petition for judicial review on the Assistant Attorney General assigned to represent the Commission at the Commission's principal office in Baltimore City.

.02 Transcript of Proceedings.

A. Unless the parties agree that a transcript is not necessary for review, or the court so orders, the first petitioner shall request and pay for a copy of the transcript of the proceedings before the Commission in accordance with Maryland Rule 7-206.

B. The first petitioner shall file with the Court Reporter Division a written request that the transcript be prepared containing:

- (1) The Commission case number;
- (2) The date and place of the Commission hearing;
- (3) The circuit court case number if known;
- (4) The name of the first petitioner; and
- (5) An acknowledgement that the first petitioner shall pay the cost of transcription.

C. Upon receipt of the request, the court reporter who recorded the hearing shall advise the first petitioner in writing of the estimated cost of the transcript.

D. The first petitioner shall pay the cost of the transcription.

.03 Circuit Court Proceedings.

A. Following the disposition of a petition for judicial review by trial or motion, the prevailing party shall notify the Commission of the circuit court disposition within 30 days after disposition.

B. A Cover Sheet for Action on Claims on Appeal shall be used to notify the Commission of the circuit court disposition and shall be accompanied by:

- (1) A true test copy of circuit court order or verdict; and
- (2) A copy of docket entries.

C. If a hearing is required, the prevailing party shall file an Issues Form with the cover sheet.

.04 Appellate Proceedings.

A. Following the disposition of a case on appeal to the appellate courts, the prevailing party shall notify the Commission of the appellate court disposition.

B. A Cover Sheet for Action on Claims on Appeal shall be used to notify the Commission of the appellate court disposition and shall be accompanied by:

- (1) The appellate court opinion and order; and
- (2) The appellate court mandate.

C. If a hearing is required, the prevailing party shall file an Issues form with the cover sheet.

.05 Record of Subsequent Proceeding Where Case on Appeal.

A. If review of a decision of the Commission has been sought in the circuit or appellate courts, and the Commission exercises its continuing jurisdiction under Labor and Employment, § 9-742, Annotated Code of Maryland, to decide an issue, the first petitioner/appellant shall file with the Commission a written letter within 5 days of disposition requesting that the Commission:

- (1) Prepare a copy of the record of the proceeding in which the Commission exercised its continuing jurisdiction; and
- (2) Transmit that record to the circuit or appellate court in which judicial review/appeal is pending within 60 days of the date of the Commission's order.

B. The written letter shall contain:

- (1) The workers' compensation claim number;
- (2) The claimant's name;
- (3) The caption of the case on appeal including the parties, the name of the court and case number.

C. Any transcript of the proceeding that is required for inclusion in the record shall be requested by and paid for by the first petitioner or appellant.

D. The petitioner/appellant shall file the written request as soon as possible.