



Rules of
Department of Labor and
Industrial Relations
Division 20—Labor and Industrial
Relations Commission
Chapter 8—Tort Victims Appeals

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**Title 8—DEPARTMENT OF
LABOR AND
INDUSTRIAL RELATIONS
Division 20—Labor and Industrial
Relations Commission
Chapter 8—Tort Victims Appeals**

**8 CSR 20-8.010 Review of Decisions Issued
by the Division of Workers' Compensation
in Tort Victims' Compensation Cases**

PURPOSE: This rule outlines procedures for appeals from a decision made by the Division of Workers' Compensation in tort victims' compensation cases.

(1) Review—Appeal. Any party to a case involving tort victims' compensation may appeal the decision of the Division of Workers' Compensation by filing a petition with the commission within thirty (30) days following the date of notification or mailing of the decision, as provided by section 537.690, RSMo. A form to be used in making the petition has been promulgated by the commission and is available upon request. The petitioner need not use the promulgated form provided the petition sets forth information in regard to the case, and the decision which is sought to be reviewed and the reason for making the petition. The petition shall be signed by the petitioner or the petitioner's attorney.

(2) Additional Evidence.

(A) After a petition has been filed with the commission, any interested party may file a motion to submit additional evidence to the commission. The hearing of additional evidence by the commission shall not be granted except upon the ground of newly discovered evidence which could not have been produced with reasonable diligence at the hearing before the Division of Workers' Compensation. Tender of merely cumulative evidence does not constitute a valid ground for the admission of additional evidence by the commission. The motion to submit additional evidence shall set out specifically and in detail—

1. Nature and substance of the newly discovered evidence;
2. Names of witnesses to be produced;
3. Nature of the exhibits to be introduced; and
4. Full and accurate statement of the reason the testimony or exhibits reasonably could not have been discovered or produced at the hearing before the Division of Workers' Compensation.

(B) The commission shall consider the motion to submit additional evidence and any response of the opposing party without oral argument by the parties and enter an order

either granting or denying the motion. If the motion is granted, the opposing party shall be permitted to present rebuttal evidence. As a matter of policy, the commission is opposed to the submission of additional evidence except when it furthers the interests of justice. Therefore, all available evidence shall be introduced at the hearing before the administrative law judge.

(3) Petitions and Briefs.

(A) A petitioner shall state specifically in the petition the reason the petitioner believes the decision of the Division of Workers' Compensation on the controlling issues is not properly supported. It shall not be sufficient merely to state that the decision of the Division of Workers' Compensation on any particular issue is not supported by the competent and substantial evidence.

(B) If the petitioner desires to file a brief in support of the petition, the request to file a brief shall be stated in the petition. When briefing is requested, the commission secretary will provide, via written correspondence to all parties, a briefing schedule after the transcript is prepared by the Division of Workers' Compensation. Unless a modified briefing schedule is ordered by the commission, the petitioner's brief will be due thirty (30) days from the date of the commission secretary's correspondence, and respondent briefs will be due fifteen (15) days from the date of the commission secretary's letter acknowledging the commission's receipt of the petitioner's brief. The commission shall have discretion, after notice to the parties, to extend or accelerate the briefing schedule.

(4) Answers and Briefs.

(A) The opposing party (known as the respondent) may file an answer to the petition concisely addressing each of the contentions set forth in the petition. The answer shall be filed within ten (10) days from the date of the commission's correspondence acknowledging the filing of the petition. The commission shall have discretion to extend the time for filing an answer.

(B) If the petitioner does not include a request to file briefs in the petition and the respondent desires to file a brief, that request shall be included in the answer. If the petitioner requested a briefing schedule, but failed to timely file a brief, the respondent may file a brief within fifteen (15) days after the date that the petitioner's brief was due.

(5) Briefs—Typewritten. Briefs filed in any case pending before the commission shall be typewritten. The original shall be filed with the commission and a copy served upon the

opposing party.

(6) Oral Argument. Oral argument may be ordered by the commission upon its own motion or upon a request set forth in a petition for review or answer. Untimely requests for leave to present oral argument shall not be entertained nor will any request to present oral argument in lieu of a brief be allowed.

AUTHORITY: section 286.060, RSMo 2016. Original rule filed Jan. 25, 2002, effective July 30, 2002. Amended: Filed April 11, 2019, effective Oct. 30, 2019.*

**Original authority: 286.060, RSMo 1945, amended 1947, 1980, 1995, 2011.*