

The Use of This Form is Required Under the Provisions of the Tort Claims Rules

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\_\_\_\_\_  
(Plaintiff)  
  
\_\_\_\_\_  
(Address)  
  
v.  
  
\_\_\_\_\_  
(Defendant)

**APPLICATION  
FOR  
REVIEW**

THE UNDERSIGNED HEREBY GIVES NOTICE OF APPEAL AND APPLICATION FOR REVIEW in the above case to the North Carolina Industrial Commission, sitting as the Full Commission. Error is alleged as follows:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_
5. \_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed, attach another page)

All grounds for appeal not specifically set forth herein are hereby waived and abandoned except as otherwise provided by law and the rules of the Industrial Commission. The undersigned hereby certifies that a copy of this document has been served on opposing party or parties.

Date of this Application: \_\_\_\_\_  
By: \_\_\_\_\_

**INSTRUCTIONS ON HOW TO FILE**

THREE signed copies of Form T44 must be sent to the Commission and one copy to the opposing parties or their counsel. If a brief is filed, the Commission must be furnished three copies and a copy must be sent to the appellee. Time for filing of a brief and Form T44 is set out in the rules appearing below:

### ARTICLE III. APPEALS TO FULL COMMISSION (Effective date: 1 July 2014)

RULE T204(d). ENLARGEMENT OF TIME. By motion of the parties, or on its own motion, the Commission may enlarge the time for an act required or allowed to be done under the Rules in this Subchapter in the interests of justice or to promote judicial economy. An enlargement of time may be granted either before or after the relevant time requirement has elapsed.

RULE T302. NOTICE OF APPEAL TO THE FULL COMMISSION. A letter expressing intent to appeal shall be considered notice of appeal to the Full Commission within the meaning of G.S. 143-292, provided that the letter specifies the Order, Opinion and Award, or Decision and Order from which appeal is taken.

RULE T303. PROPOSED ISSUES ON APPEAL.

(a) The appellant shall, within 25 days of receipt of the transcript of the record, or receipt of notice that there will be no transcript of the record, file with the Commission a written statement of the proposed issues that the appellant intends to present on appeal. The statement shall certify service upon the opposing party or parties. The purpose of the proposed issues on appeal is to facilitate the preparation of the record on appeal and does not limit the scope of the issues presented on appeal in appellant's brief.

(b) Failure to file the proposed issues on appeal may result in the dismissal of the appeal either upon the motion of the non-appelling party or upon the Full Commission's own motion.

RULE T305. BRIEFS TO THE FULL COMMISSION.

(a) An appellant shall file a Form 44 Application for Review and brief in support of his grounds for review with the Commission, with a certificate indicating service on the appellee, within 25 days after receipt of the transcript, or receipt of notice that there will be no transcript. The appellee shall have 25 days from service of the appellant's brief to file a reply brief with the Commission, with written statement of service on the appellant. When the appellant fails to file a brief, the appellee shall file his brief within 25 days after the appellant's time for filing brief has expired. A party who fails to file a brief shall not be allowed oral argument before the Full Commission. If both parties appeal, they shall each file an appellant's and appellee's brief on the schedule set forth in this Rule. If the matter has not been calendared for hearing, any party may file with the Docket Director a written stipulation to a single extension of time not to exceed 15 days. In no event shall the cumulative extensions of time exceed 30 days.

(b) After request for review has been given to the Full Commission, any motions related to the issues for review before the Full Commission shall be filed with the Full Commission, with service on the other parties. Motions related to the issues for review including motions for new trial, to amend the record, or to take additional evidence, filed during the pendency of a request for review to the Full Commission shall be argued before the Full Commission at the time of the hearing of the request for review.

(c) Cases shall be cited to the North Carolina Reports, the North Carolina Court of Appeals Reports, or the North Carolina Reporter, and when possible, to the Southeastern Reporter. Counsel shall not discuss matters outside the record, assert personal opinions or relate personal experiences, or attribute wrongful acts or motives to opposing counsel.

(d) Briefs to the Full Commission shall not exceed 35 pages, excluding attachments. No page limit applies to the length of attachments. Briefs shall be prepared using a 12 point type, shall be double spaced, and shall be prepared with non-justified right margins. Each page of the brief shall be numbered at the bottom right of the page. When a party quotes or paraphrases testimony or other evidence from a transcript of the evidence or from an exhibit in the party's brief, the party shall include, at the end of the sentence in the brief that quotes or paraphrases the testimony or other evidence, a parenthetical entry that designates the source of the quoted or paraphrased material and the page number location within the applicable source. The party shall use "T" for transcript, "Ex" for exhibit, and "p" for page number. For example, (1) if a party quotes or paraphrases material located in the transcript on page 11, the party shall use the following format "(T p 11)" and (2) if a party quotes or paraphrases material located in an exhibit on page 12, the party shall use the following format "(Ex p 12)". When a party quotes or paraphrases testimony or other evidence in the transcript of a deposition in the party's brief, the party shall include, at the end of the sentence in the brief that quotes or paraphrases the testimony or other evidence from the deposition, a parenthetical entry that contains the name of the person deposed and the page number location within the transcript of the deposition. For example, if a party quotes or paraphrases the testimony of John Smith, located on page 11 of the transcript of the deposition, the party shall use the following format "(Smith p 11)".

RULE T307. MOTIONS BEFORE THE FULL COMMISSION.

(a) After notice of appeal has been given to the Full Commission, any motions related to the claim before the Full Commission shall be filed with the Full Commission, with service on the other parties.

(b) A Motion for a New Hearing must be filed in writing, and supported by Affidavit. Motions related to the issues for review including motions for new trial, to amend the record, or to take additional evidence, filed during the pendency of an appeal to the Full Commission shall be argued before the Full Commission at the time of the hearing of the appeal.

RULE T308. STAYS. When a case is appealed to the Full Commission, all orders, opinion and awards, or decision and orders of a Deputy Commissioner are stayed pending appeal.

RULE T310. WAIVER OF ORAL ARGUMENT. Upon the request of a party or its own motion, the Commission may waive oral argument in the interests of justice or to promote judicial economy. In the event of such waiver, the Full Commission shall file an award, based on the record and briefs.