

# North Carolina Industrial Commission Deputy Commissioner Section Update

October 4th, 2017



Myra Griffin  
Deputy Commissioner

William W. "Bill" Peaslee  
Chief Deputy Commissioner

# Presentation Outline

- ◎ Personnel Update
- ◎ Post-Hearing Submissions Procedures
- ◎ Medical Motions – Procedure review
- ◎ Contempt
- ◎ Defining Mission Statement

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Asheville, North Carolina

- James C. Gillen
  - TBD, Administrative Assistant
  - (828) 318-0286
- William “Bill” Shipley
  - TBD, Administrative Assistant
  - (828) 318-0286

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Charlotte, North Carolina

- Jesse “Jay” Tillman
  - Crystal Snow, Administrative Assistant
  - (980) 523-9988
- Melissa H. Grimes
  - Crystal Snow, Administrative Assistant
  - (980) 523-9988

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Charlotte, North Carolina, cont'd

- David “Mark” Hullender
  - Fonda Brittain, Administrative Assistant
  - (980) 523-9987
- Leigha B. Sink
  - Fonda Brittain, Administrative Assistant
  - (980) 523-9987

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Elizabethtown, North Carolina

- Lori A. Gaines
  - TBD, Administrative Assistant
  - (919) 862-6011
- Dane Scalise
  - TBD, Administrative Assistant
  - (919) 862-6011

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Greenville, North Carolina

- Thomas H. Perlungher
  - Kyle Jones, Administrative Assistant
  - (252) 364-9021
- Kevin V. Howell
  - Kyle Jones, Administrative Assistant
  - (252) 364-9021

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Winston-Salem, North Carolina

- Michael Silver
  - Crystal Layne, Administrative Assistant
  - (336) 293-9242
- Tyler Younts
  - Crystal Layne, Administrative Assistant
  - (336) 293-9242



# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Raleigh, North Carolina

- William W. “Bill” Peaslee, Chief Deputy Commissioner
  - Sandra Cortes, Administrative Assistant
  - (919) 807-2559
- Sumit Gupta
  - Cassalyn Sands, Administrative Assistant
  - (919) 807-2632

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Raleigh, North Carolina, cont'd

- Robert J. Harris
  - Carol Abbott, Administrative Assistant
  - (919) 807-2653
- J. Brad Donovan
  - Carol Abbott, Administrative Assistant
  - (919) 807-2675

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Raleigh, North Carolina, cont'd

- Melanie Wade Goodwin
  - Mackenzie Fretz, Administrative Assistant
  - (919) 807-2529
- Myra L. Griffin
  - Kim Campbell, Administrative Assistant
  - (919) 807-2545

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Raleigh, North Carolina, cont'd

- Adrian A. Phillips
  - Kristen Calcaterra, Administrative Assistant
  - (919) 807-2530
- Theodore “Ted” Danchi
  - Patricia Hixson, Administrative Assistant
  - (919) 807-2675

# DEPUTY COMMISSIONERS BY REGIONAL OFFICE

## Raleigh, North Carolina, cont'd

- Amanda Phillips, Special Deputy
  - (919) 807-2518
- Brian R. Liebman, Special Deputy
  - (919) 807-2544

# Promoting Swifter Decisions at the Deputy Commissioner Level: The Pre-Trial Order

- ◎ Contents of Workers' Comp Pre-Trial Order
  - Statement confirming case ready for hearing (PTA)
  - Exhibits submitted via EDFP (required for Attorneys)
    - Stip Exhibit #1 – PTA
    - Stip Exhibit #2 – All other Exhibits (New filing requirements)
      - One hard copy to the Deputy at the beginning of the hearing
      - Filed via EDFP post-hearing w/in 2 days
  - Deposition Transcripts & Exhibits submitted electronically in PDF format via EDFP (Paperless)
  - Expert Witnesses & IME Testimony Listed and Scheduled ahead of hearing
    - Does not affect 04 NCAC 10A .0613 - 15 days
- ◎ Cautionary Instructions to *Pro Se* litigants

# Promoting Swifter Decisions at the Deputy Commissioner Level: The New Post-Hearing Order

- ◉ Contents of Post-Hearing Order
  - Contentions, Briefs, Proposed O&As submitted electronically (PDF / MS Word format) via EDFP
  - Deposition Transcripts & Exhibits submitted electronically in PDF format via EDFP



- After the Order Closing the Record, Deputy Commissioner to file O&A within 90 Days

# Medical Motions at the Deputy Commissioner Level

- **G.S. § 97-25 / 04 NCAC 10A .0609A**
  - (Practice Tip: Read the above)
- **Accepted Claims → medical issues only**
  - Form 60 Acceptance
  - Form 63 (1) w/o Form 61 within 90 days
  - Already adjudicated compensable
  - No issues of compensability
- **Medical Issues Only**
  - No mix and match
  - On the previously accepted body part (Wilkes)



# Medical Motions

- **Heard by Executive Secretary's Office**
  - **Administrative Medical Motions**
    - Administrative Order filed within 30 Days
    - Notice of Appeal filed within 15 Days of receipt of Admin. Order
- **Heard by Deputy Commissioner Section**
  - FE Hearings - Appeals of Administrative Orders
  - FE Hearings – Requests for Expedited Hearings
  - Emergency Medical Motions (Non-Emergencies ref'd)
- **EMM & Appeals are filed at**  
**[Medicalmotions@ic.nc.gov](mailto:Medicalmotions@ic.nc.gov)**
  - Not Filed Elsewhere
  - Not a Form 33
  - Appeals must identify the administrative order being appealed and state that the order was entered pursuant to G.S. § 97-25(f)(1).

# 75 Day Timeline for Medical Motions at DC Level

- Appeals of Executive Secretary Orders & Requests for Expedited Hearings – Subject to Full Evidentiary “Rocket” Docket:
  - 5 Days from filing → Notice of Hearing
  - 30 Days from filing → Hearing
  - 60 Days from filing → Record closes
  - 75 Days from filing → O&A filed

# EMERGENCY Medical Motions at DC Level

- **Emergency Medical Motions**
  - 5 Days from filing → Order filed
  - Must allege adverse consequences if relief not given emergently
- **“Emergency” Medical Motions which are deemed not an emergency are referred to the Executive Secretary for an administrative ruling.**
- **Key Question before filing:**
  - Are there significant adverse consequences that justify by-passing an evidentiary hearing?

# Civil Contempt Hearings

- Read G.S. § 5A-21 through -25
- Incarceration for failure to comply with a Commission order. G.S. § 97-80
- Before filing Motion to Show Cause on a Discovery matter.
  - What is my goal?
  - Is there another remedy other than jail available? If so, consider filing a motion for that remedy.

## Mission Statement

“The Deputy Commissioners, Special Deputy Commissioners, and Legal Assistants of the North Carolina Industrial Commission endeavor to fairly, impartially, and efficiently adjudicate contested claims by careful application of the law; by adherence to rules and procedures; by encouraging settlement wherever possible; and by providing timely and excellent customer service to all parties.”