

1 Rule 11 NCAC 23H .0201 is amended as follows:

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3 **SUBCHAPTER 23H – RULES OF THE INDUSTRIAL COMMISSION RELATING TO THE ~~LAW-~~**  
4 **~~ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS' AND CIVIL AIR PATROL~~**  
5 **MEMBERS' PUBLIC SAFETY EMPLOYEES' DEATH BENEFITS ACT**

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7 **SECTION .0200 - RULES OF COMMISSION**

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9 **11 NCAC 23H .0201 DETERMINATION OF CLAIMS BY THE COMMISSION**

10 (a) Upon application for an award under the provisions of the ~~Law Enforcement Officers', Firemen's, Rescue Squad~~  
11 ~~Workers' and Civil Air Patrol Members' Public Safety Employees'~~ Death Benefits Act, the Commission shall  
12 determine whether sufficient evidence is contained in the Commission's workers' compensation or other files upon  
13 which to base an order for the payment of benefits. If the Commission is satisfied that such an order should be  
14 issued, it shall, without conducting a hearing, file an award directing the payment of benefits.

15 (b) If the Commission is of the opinion that the Commission's workers' compensation or other files have  
16 insufficient evidence upon which to base an award for the payment of benefits, the Commission shall place the case  
17 upon the Commission's hearing docket. The Commission shall set a contested case for hearing in a location deemed  
18 convenient to witnesses and the Commission.

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20 *History Note: Authority G.S. 143-166.4;*  
21 *Eff. August 1, 1979;*  
22 *Amended Eff. July 1, 2014;*  
23 *Recodified from 04 NCAC 10H .0201 Eff. June 1, ~~2018-2018~~;*  
24 *Amended Eff. January 1, 2019.*

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1 Rule 11 NCAC 23H .0202 is amended as follows:

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3 **11 NCAC 23H .0202 HEARINGS BEFORE THE COMMISSION**

4 (a) The Commissioner or Deputy Commissioner before whom a case regarding the ~~Law Enforcement Officers',~~  
5 ~~Firemen's, Rescue Squad Workers' and Civil Air Patrol Members'-Public Safety Employees'~~ Death Benefits Act is  
6 set for hearing, shall order the parties to participate in a pre-trial conference. This conference shall be conducted at  
7 such place and by such method as the Commissioner or Deputy Commissioner deems appropriate, including  
8 conference telephone calls.

9 (b) The Commission shall give notice of hearing in every case. Postponement or continuance of a scheduled  
10 hearing shall be granted in the interests of justice or to promote judicial economy.

11 (c) Notice of the hearing shall be given to the Attorney General of the State of North Carolina, who may appear as  
12 amicus curiae.

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14 *History Note: Authority G.S. 143-166.4;*

15 *Eff. August 1, 1979;*

16 *Amended Eff. July 1, 2014;*

17 *Recodified from 04 NCAC 10H .0202 Eff. June 1, ~~2018-2018~~;*

18 *Amended Eff. January 1, 2019.*

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