



NORTH CAROLINA  
ASSOCIATION OF  
DEFENSE ATTORNEYS

November 16, 2015

**VIA E-MAIL ONLY**

Ms. Meredith Henderson  
Rules Coordinator  
North Carolina Industrial Commission  
4333 Mail Service Center  
Raleigh, North Carolina 27699-4333

Dear Meredith:

As Chair of the Workers' Compensation Section of the NCADA, I am writing to provide comments on the proposed Rule changes of the North Carolina Industrial Commission. We recommend additional revisions to 04 NCAC 10A.0502. The Advocates for Justice and the NCADA have discussed these changes and have agreed to some, but not all. Specifically, the NCADA would request the following proposed changes:

**04 NCAC 10A.0502 (a)(2)** - Strike this subsection and replace it with the following: "The agreement states the party or parties that will pay the fee for processing the compromise settlement agreement and the Report of Mediator fee, if any."

**04 NCAC 10A.0502 (a)(5)** - Strike this provision. The Advocates do not object to this recommendation.

**04 NCAC 10A.0502 (a)(6)** - Add the following phrase after "occupational disease": "whether the employee has returned to some other job or position, and, if so, the description of the particular job or position, the name of the employer, and the average weekly wage earned, and if not." Also replace (c) with "where the employee certifies that neither partial nor total wage loss is being claimed due to an injury or occupational disease." The Advocates did not object to these changes.

**04 NCAC 10A.0502 (b)(3)** - Add "authorized" between "all" and "medical."

**04 NCAC 10A.0502-(c)** - Add "to a Commissioner or Deputy Commissioner" between "distribution" and "for." Add "The employer, carrier, or administrator shall furnish an executed copy of the agreement to the employee's attorney of record or the employee, if unrepresented."

**04 NCAC 10A.0502 (d)** - Delete this subsection.

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These are the NCADA's suggested revisions. If you have any questions, let me know.

My best regards.

Very truly yours,

*Tracey L. Jones*

Tracey L. Jones  
Teague Campbell Dennis & Gorham, LLP  
Post Office Box 19207  
Raleigh, North Carolina 27619-9207

TLJ