



NORTH CAROLINA INDUSTRIAL COMMISSION

January 2022 Quarterly Update

Deputy Commissioner Section

- David Mark Hullender has been reappointed to serve a second term as a Deputy Commissioner beginning February 1, 2022. Hullender will continue his service in the Commission's Charlotte regional office. Prior to joining the Commission in 2015 as a Deputy Commissioner, Hullender was in private practice for 25 years and served on the North Carolina Indigent Defense Services Commission. Hullender earned his undergraduate degree from the University of North Carolina at Chapel Hill and his J.D. from North Carolina Central University Law School, graduating magna cum laude. He also holds an LL.M in Taxation from the University of Florida School of Law.
- Thomas H. Perlungher has been reappointed to serve a second term as a Deputy Commissioner beginning February 1, 2022. Perlungher will continue his service in the Commission's Raleigh office. Perlungher served the Commission as a Law Clerk for the Full Commission before being appointed as a Deputy Commissioner in 2015. Prior to joining the Commission, Perlungher was a Hearing Officer at the North Carolina Division of Employment Security and an Assistant District Attorney in North Carolina's 8th District, where he prosecuted cases in Wayne, Lenoir, and Greene counties. He also practiced real estate law in Massachusetts. Perlungher is a Phi Beta Kappa graduate of the University of Vermont, and he earned his J.D. from Wake Forest University School of Law.

Claims Administration Section

- Brittany Brown Walton has joined the Commission as the new Director of Claims Administration. Brown Walton brings significant workers' compensation experience to the Commission, having served as an Assistant Attorney General in the Workers' Compensation Section of the North Carolina Department of Justice since 2014. She has litigated complex workers' compensation matters and represented State agencies in criminal and civil cases before the North Carolina Court of Appeals.

Brown Walton earned her bachelor's degree in Political Science with a minor in Spanish from the University of North Carolina at Greensboro. She earned her law degree from the North Carolina Central University School of Law, where she served as a Senior Editor on the North Carolina Central University Law Review.

Revised In-Person Deputy Commissioner and Full Commission Hearing Procedures During January and February 2022; Resumption of In-Person Hearings Effective March 1, 2022

- Due to the recent surge in COVID-19 cases and in the interest of public health and safety, the Commission has revised its hearing procedures for January and February of 2022. The planned resumption of in-person hearings has been postponed until March 1, 2022.
- During the month of January 2022, all Deputy Commissioner hearings that were docketed to be heard in-person are being conducted via Webex videoconference, unless otherwise ordered by the presiding Deputy Commissioner. (The presiding Deputy Commissioner contacts the parties regarding the scheduling of the videoconference hearing). A party may file a motion with the presiding Deputy Commissioner for an in-person hearing based upon good cause. During the month of January 2022, all Full Commission hearings that were docketed to be heard in-person will be conducted via videoconference. (The Full Commission Panel Chair contacts the parties regarding the scheduling of the videoconference hearing).
- During the month of February 2022, all Deputy Commissioner hearings will be conducted via videoconference, unless otherwise ordered by the presiding Deputy Commissioner. A party may file a motion with the presiding Deputy Commissioner for an in-person hearing based upon good cause. During the month of February 2022, all Full Commission hearings will be conducted via videoconference.
- As of March 1, 2022, all Deputy Commissioner hearings will be conducted in-person, unless otherwise ordered by the presiding Deputy Commissioner. A party may file a motion with the presiding Deputy Commissioner for a videoconference hearing based upon good cause. As of March 1, 2022, all Full Commission hearings will be conducted in-person, unless the parties consent to a videoconference hearing. To obtain a videoconference hearing by consent, the parties shall make the appropriate election on the revised Joint Certification Form that is required to be returned to the Commission following receipt of the transcript and Form 44. Should one party wish to appear remotely at an otherwise in-person hearing, that party may file a request with the Full Commission Panel Chair to appear via telephone.

Guidelines for In-Person Industrial Commission Hearings During COVID-19 Pandemic

- The Industrial Commission has revised its in-person hearing guidelines to reflect the most recent guidance from the Centers for Disease Control (CDC) and to clarify that the Commission will follow the safety protocols for the county where the hearing is held or the building where the hearing is held, whichever are more restrictive, unless otherwise ordered by the Commission. The revised in-person hearing guidelines can be found at <https://www.ic.nc.gov/In-Person%20Hearing%20Guidelines-1-6-22.pdf> and by clicking on the link to the guidelines on the Home and Latest News pages of the Commission's website.
- For in-person Deputy Commissioner hearings, the Commission will follow the COVID-19 safety protocols for the county courts where the hearing is held or the safety protocols of the building where the hearing is held, whichever are more restrictive, unless otherwise ordered by the presiding Deputy Commissioner. For information on a particular county, go to <https://www.nccourts.gov/locations> and then select the desired county.
- For in-person Full Commission hearings, the Commission will follow the COVID-19 safety protocols for Wake County courts, unless otherwise ordered by the Full Commission. Go to <https://www.nccourts.gov/locations/wake-county> for the protocols and then select the most recent Order/Memo/Safety Policies regarding COVID-19.