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SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

CHAPTER 67

Statutory Authority: 1976 Code Sections 42-3-30 and 42-17-50

67-706. Oral Argument.

Preamble:

The South Carolina Workers' Compensation Commission proposes to amend Regulation 67-706, Oral Argument. The Notice of Drafting regarding this regulation was published on December 23, 2011 in the State Register.

Section by Section Discussion

The Commission is proposing to amend regulation 67-706 to include the addition of a subsection "D" which would require parties to be present in the designated waiting area of the Commission no later than 30 minutes prior to the time for which their cases are scheduled to be argued. Any party who fails to comply with this regulation is subject to a \$100 fine, except for good cause shown. The requirements of this regulation must be set forth in bold type on the hearing notice. The proposed amendment will assist the Commission in maintaining an efficient schedule for its docket of appellate hearings.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the South Carolina Workers' Compensation Commission, attention Gary M. Cannon, Executive Director, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, comments must be received no later than 5:00 p.m. on Monday, April 23, 2012.

The South Carolina Workers' Compensation Commission has scheduled a public hearing for May 21, 2012 at 10:30 a.m. in Hearing Room A at the SC Workers' Compensation Commission, 1333 Main Street, Columbia, SC 29202.

Preliminary Fiscal Impact Statement:

The fiscal impact of the proposed changes to this regulation is \$0.

Statement of Need and Reasonableness:

The Workers' Compensation Commission is the regulatory agency of the State of South Carolina responsible for overseeing and administering the South Carolina Workers' Compensation Act. SC Code Ann. § 42-1-10 et seq. (1976). The Commission shall promulgate all regulations relating to the administration of the workers' compensation laws, and may conduct review and rehearing. § 42-3-30; § 42-17-50; R 67-706.

DESCRIPTION OF REGULATION: R 67-706. Oral Argument.

Purpose: Assists the Commission in maintaining an efficient schedule for its docket of appellate hearings.

Legal Authority: Section 42-3-30 Promulgation of rules and regulations by Commission and Section 42-17-50 Review and rehearing by Commission.

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Commission determined a need for considering the amendment to the regulation April 2009.

DETERMINATION OF COSTS AND BENEFITS:

There are no additional costs to the agency related to the proposed change to the regulation. The benefit of the proposed change is that it will assist the Commission in maintaining an efficient schedule for its docket of appellate hearings.

UNCERTAINTIES OF ESTIMATES:

None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None

Statement of Rationale:

The Commission is proposing to include the addition of a subsection "D" which would require parties to be present in the designated waiting area of the Commission no later than 30 minutes prior to the time for which their cases are scheduled to be argued. The amendment of this regulation will assist the Commission in maintaining an efficient schedule for its docket of appellate hearings.

Text:

67-706. Oral Argument.

A. Each party is permitted ten minutes for oral argument. The appellant is permitted three minutes for reply.

B. If both parties have appealed, each party is permitted ten minutes for oral argument, and each party is permitted three minutes for reply.

C. A party may request additional time for argument by attaching a motion to the Form 30. The Commission will issue an order before the case is set for argument.

D. Parties must sign in and be present in the designated waiting area of the Commission no later than 30 minutes prior to the time for which their cases are scheduled to be argued. Any party who fails to comply with this regulation is subject to a \$100 fine, except for good cause shown. The requirements of this regulation must be set forth in bold type on the hearing notice.