

PART 1 - RULES

A. Dispute Resolution And Appeals

NCRB provides dispute resolution services in North Carolina. A party who believes that an assigned risk rate, advisory loss cost or rule approved for use in North Carolina has not been properly applied to a workers compensation insurance policy can request NCRB's review. If a dispute cannot be resolved, the carrier has a duty to inform the party about NCRB's dispute resolution services. The dispute resolution services are designed to provide an opportunity to resolve disputes without the need for litigation.

Any disputes arising out of the operation of the North Carolina Workers Compensation Insurance Plan (WCIP or Assigned Risk), other than individual employer disputes, are to be handled under the WCIP Dispute Resolution Procedures. Refer to Rule 4-A (WCIP).

A. Procedures for Submitting Workers Compensation Disputes to the North Carolina Rate Bureau *General Statute 58-36-1(2)* provides authority to establish a process to submit disputes to the North Carolina Rate Bureau. The statute reads as follows:

The Bureau shall provide reasonable means to be approved by the Commissioner whereby any person affected by a rate or loss costs made by it may be heard in person or by the person's authorized representative before the governing committee or other proper executive of the Bureau.

The procedures for submission and review of a dispute are as follows:

1. An employer or company involved in a dispute arising out of a rate or loss cost, including but not limited to premiums in dispute, individuals covered by the policy, classifications or experience modifications may submit such dispute to the Bureau. Such submissions shall be directed in writing to the Bureau. The written document shall state the reason(s) for and the parties involved in the dispute.
2. Upon receipt of a written notice of a dispute, the Bureau shall forward to the complainant a request for information with respect to the situation at issue, the specific relief sought, and such other information deemed necessary by the Bureau, unless the written notice of dispute contains all information deemed necessary by the Bureau. If the Bureau does not receive the requested information from the complainant within 45 days from the date of the Bureau's letter requesting such information, the matter will be deemed concluded.
3. Upon receipt of the requested information, or upon receipt of the written notice of a dispute if the written notice of dispute contains all information deemed necessary by the Bureau, the Bureau shall forward copies of the written notice of dispute and the information received from the complainant to the other parties involved in the dispute.
4. The Bureau may request information that it deems necessary from the other party or parties involved in the dispute. Such other party or parties may provide, in addition to information requested by the Bureau, such information as they deem relevant to the determination of the dispute at issue. If the Bureau does not receive the requested information from the other party or parties involved in the dispute within 45 days from the date of the Bureau's letter requesting such information, the Bureau shall make its determination based on the information submitted by the complainant and on such other information available to the Bureau from its own records.
5. The information the Bureau may request includes, but is not limited to, the following:
 - a. A summary of the complainant's and other parties involved understanding of the details of the dispute.

- b. Any explanatory documents contained in the complainant's or other parties' files, including, but not limited to:
- 1) Audits
 - 2) Payroll records
 - 3) Company inspections
 - 4) Correspondence with the insured
 - 5) Explanations of classification rulings or underwriting rules
 - 6) Loss information
 - 7) Descriptions of the work performed by the employer and the individuals performing such work
 - 8) Information on work performed by principals of the employer under other trade names
 - 9) Information as the employment status of individuals performing the work
 - 10) Previous policy declaration pages
6. The periods of time for receipt of data from the complainant or other parties may be extended by the Bureau for good cause shown upon written request.
7. The Bureau may discuss with the parties the information gathered and may undertake to facilitate resolution of the dispute between the parties.
8. If the parties are unable to resolve their dispute, any of the parties may request a hearing. Such request must be made in writing to the Bureau's Manager of Workers Compensation Operations. Unless the parties are advised in writing that the Governing Committee of the Bureau has designated a different hearing officer, the hearing officer shall be the Bureau's Manager of Workers Compensation.
9. In lieu of a hearing, upon written consent by all parties, the hearing officer may issue a decision on the dispute based on the information submitted by all parties.
10. If a hearing is requested, the Bureau shall notify the parties in writing of a hearing date. The Bureau shall endeavor to set a hearing date convenient to all parties.
11. Hearings shall be conducted at the Bureau's offices in Raleigh, North Carolina, or at such other location as may be determined by the Bureau for the convenience of all parties. Parties shall appear in person for such a hearing unless the Bureau, in its sole discretion, permits a party to participate via telephone or other electronic means.
12. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered by the hearing officer if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The hearing may be continued or rescheduled by the hearing officer in order to obtain such additional information as the hearing officer deems appropriate.
13. The parties may retain and have present counsel at any or all stages of the investigation of the dispute and at the hearing before the hearing officer.
14. The Bureau may consult other governmental or private entities for information on an advisory basis to assist the Bureau in the resolution of the dispute.

15. Within 30 days following the agreement by the parties for the Bureau to issue a decision based on the information submitted or within 30 days following the close of a hearing, the hearing officer shall issue and mail to the parties a written decision setting forth the hearing officer's decision on the dispute at issue and the basis for such decision.

Questions about this process or assistance with a dispute should be directed to:

North Carolina Rate Bureau
Attn: Workers Compensation Dispute Resolution
2910 Sumner Blvd.
Raleigh, NC 27616

E-mail: wcinfo@ncrb.org
Phone: 919-582-1056
Fax: 919-783-7467