

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9323. Payment of Compensation.

(a) Compensation under this chapter shall be paid promptly and directly to the person entitled thereto, without an award, except where the liability to pay compensation is controverted by the employer. Compensation under this chapter does not include payments as a result of any type of leave benefits to which an injured employee is entitled, such as sick, annual, or other types of leave.

(b) Disability benefits shall be paid in biweekly installments, except where the administrator determines that payment in installments should be made monthly or at some other interval.

(c) Upon making the first payment, suspending or terminating disability payment for any cause, the carrier providing worker's compensation insurance, or the self-insured employer, shall notify the administrator within 15 days on a form prescribed by the commission, that payment of disability benefits has begun or has been suspended, or has been terminated, as the case may be. If the employer or carrier fails to notify the administrator within such time, the administrator shall assess against such self-insured employer or carrier a civil penalty not to exceed \$50 for each failure of notification.

(d) If the employer controverts the right to compensation the employer shall file with the administrator, on or before the fourteenth day after the employer has knowledge of the alleged injury or death, a notice in accordance with a form prescribed by the commission stating that the right to compensation is controverted, the name of the claimant, the name of the employer, the date of the alleged injury or death, and the grounds upon which the right to compensation is controverted.

(e) If any installment of disability benefits payable without an award is not paid within 15 days after it becomes due, as provided in subsection (b) of this section, there shall be added to such unpaid installment an amount equal to 10 percent thereof, which shall be paid at the same time as, but in addition to, such installment, unless notice is filed under subsection (d) of this section, or unless such nonpayment is excused by the administrator after a showing by the employer that, owing to conditions over which the employer had no control, such installment could not be paid within the period prescribed for the payment.

(f) If any disability benefits, payable under the terms of an award, are not paid within 10 days after becoming due, there shall be added to such unpaid disability benefits an amount equal to 20 percent thereof which shall be paid at the same time as, but in addition to, such disability benefits unless review of the compensation order making such award is had as provided in 4 CMC § 9330.

(g) Within 15 days after final payment of compensation has been made, the employer shall send to the administrator a notice, in accordance with a form prescribed by the commission, stating that such final payment has been made, the total amount of compensation paid, the name of the employee, and of any other person to whom compensation has been paid. If the employer fails to notify the administrator within such time, the commissioner shall assess against such employer a civil penalty in the amount of \$100.

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(h) The administrator may at any time in a case in which payments are being made without an award, and shall in any case where right to compensation is controverted, or where payments of compensation have been stopped or suspended, upon receipt of notice from any person entitled to compensation, or from the employer that the right to compensation is controverted, or that payment of compensation has been stopped or suspended, make such investigations, cause such medical examinations to be made, or hold such hearings, and take such further action as he considers will properly protect the rights of all parties.

(i) The administrator may require any employer to make a deposit with the Commonwealth Treasurer to secure the prompt and convenient payment of such compensation. Payments upon any awards shall be made from such deposits by the Treasurer upon order of the administrator.

(j) Whenever the administrator determines that it is in the interest of justice, the liability of the employer for compensation or any part thereof, as determined by the administrator, may be discharged by the payment of a lump sum equal to the present value of future compensation payments commuted, computed at four percent true discount compounded annually. The probability of death of the injured employee or other person entitled to disability benefits before the expiration of the period during which he or she is entitled to disability benefits shall be determined in accordance with American Experience Table of Mortality or such other table as the commission may deem appropriate, and the probability of the remarriage of the surviving spouse shall be determined in accordance with the remarriage tables of the Dutch Royal Insurance Institution or such other table as the commission may deem appropriate. The probability of the happening of any other contingency affecting the amount or duration of the disability benefits shall be disregarded.

(k) An employer, who has made advance payments of compensation, shall be entitled to reimbursement out of any unpaid installment or installments of compensation due.

(l) Any recipient with disability payments under this chapter shall give receipts for such payment to the employer for inspection by the administrator, whenever required by the employer.

(m) The total disability benefits for either injury or death payable under this chapter to one employee for one occurrence of injury shall in no event exceed the sum of \$40,000.

Source: PL 6-33, § 1 (§ 9323); amended by PL 9-33, § 6.