

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9328. Procedure in Respect of Claims.

(a) Subject to the provision of 4 CMC § 9322, a claim for compensation may be filed with the administrator in accordance with regulations prescribed by the commission at any time after the first four days following any injury, or at any time after death, and the administrator shall have full power and authority to hear and determine all questions in respect of such claim.

(b) Within 10 days after such claim is filed, the administrator, in accordance with regulations prescribed by the commission, shall notify the employer and any other person (other than the claimant), whom the administrator considers an interested party, that a claim has been filed. Such notice may be served personally upon the employer, or other person, or sent to such employer or person by registered mail.

(c) The administrator shall cause to be made such investigations as he considers necessary in respect of the claim, and upon application of any interested party shall order a hearing thereon. If the hearing on such claim is ordered, the administrator shall give the claimant and other interested parties at least 10 days notice of such hearing, served personally upon the claimant and other interested parties or sent to such claimant and other interested parties by registered mail, and shall within 20 days after such hearing is had, by order, reject the claim or make an award in respect of the claim. If no hearing is held within 20 days after notice is given as provided in subsection (b) of this section, the administrator shall, by order, reject the claim or make an award in respect of the claim.

(d) At such hearing the claimant and the employer may each present evidence in respect of such claim and may be represented by any person authorized in writing for such purpose.

(e) The order rejecting the claim or making the award (referred to in this chapter as a compensation order) shall be filed in the office of the administrator, and a copy thereof shall be transmitted to the claimant and to the employer by delivery to them in person or by registered mail sent to their last known addresses.

(f) An award of disability benefits may be made after the death of an injured employee.

(g) An injured employee claiming or entitled to compensation shall submit to such physical examination, by a medical officer of the Department of Public Health, or by a qualified physician designated or approved by the commission, as the administrator may require. The place or places of such examination shall be reasonably convenient for the employee. Such physician or physicians as the employee, employer, or carrier may select and pay for may participate in an examination if the employee, employer, or carrier so requests. Proceedings shall be suspended and no compensation shall be payable for any period during which the employee refuses to submit to such examination.

Source: PL 6-33, § 1 (§ 9328).

Commission Comment: With respect to the reference to the "Department of Public Health," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.