

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9330. Review of Compensation Order.

(a) A compensation order shall become effective when filed in the office of the administrator as provided in 4 CMC § 9328, and unless an appeal to the commission is instituted as provided in subsection (b) of this section, shall become final at the expiration of the fifteenth day thereafter.

(b) Within 15 calendar days of the filing of a compensation award in the office of the administrator, any party in interest may file a notice of appeal with the commission. The payment of the amount required by an award shall not be stayed pending final decision in any such proceeding unless upon application for an interlocutory injunction the court, on hearing, after not less than three days notice to the parties in interest and the administrator, allows the stay of such payments, in whole or in part, where irreparable damage would otherwise ensue to the employer. The order of the court allowing any such stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that such irreparable damage would result to the employer, and specifying the nature of the damage.

(c) Any person filing a notice of appeal as provided in subsection (b) of this section shall at the same time file a written statement of objections to the administrator's decision. Any parties in interest may file an opposing statement within five business days of service upon them of the appellant's statement. Oral argument before the commission shall be permitted upon the written request of any party in interest to the appeal, or upon the commission's own request, and shall be confined to the written statements in support of or in opposition to the administrator's decision. A majority of the authorized number of the Members of the Commission as defined in 4 CMC § 9302(e) shall be a quorum, and a decision of the commission must be supported by a majority of the commission as defined in 4 CMC § 9302(e). For the purpose of reviewing the administrator's decision, the commission shall consider only the record which was before the administrator; provided the commission may consider additional facts if they are supported by substantial evidence, could not upon reasonable inquiry have been discovered earlier, and could materially have affected the administrator's decision had they been known to the administrator at the time the decision was rendered. Within 15 business days of the filing of the notice of appeal, the commission shall issue a written decision supported by written findings of fact and conclusions of law. The decision of the commission shall be a final administrative decision subject to judicial review.

(d) If any employer or its officers or agents fails to comply with a final order of the commission making an award, any beneficiary of such award of the administrator may apply to the Commonwealth Superior Court for enforcement of the order. If the court determines that the order was made and served in accordance with law and that such employer or his officers or agents have failed to comply therewith, the court shall enforce the order by injunction or other proper process.

(e) The provisions of the Administrative Procedure Act [1 CMC § 9101 et seq.] shall apply in any proceedings for suspending, setting aside, or enforcing a

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compensation order. In the event of any inconsistency between the provisions of this chapter and the provisions of the Administrative Procedure Act, the provisions of this chapter shall control. Except for a proceeding to suspend payment pending a final decision, no court proceeding may be brought until all available administrative remedies have been exhausted.

Source: PL 6-33, § 1 (§ 9330); (c) amended by PL 17-88 § 3 (November 9, 2012).