

1 04 NCAC 10A .0108 is adopted as published in 30:6 NCR 593-602 as follows:

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3 **04 NCAC 10A .0108 ELECTRONIC FILINGS WITH THE COMMISSION; HOW TO FILE**

4 (a) All documents filed with the Commission in workers' compensation cases shall be submitted electronically in
5 accordance with this Rule. Any document transmitted to the Commission in a manner not in accordance with this
6 Rule shall not be accepted for filing. Any document filed with the Commission which requires contemporaneous
7 payment of a processing fee pursuant to Rule 04 NCAC 10E .0203 shall not be deemed filed until the fee has been
8 paid in full. The electronic filing requirements of this Rule shall not apply to claimants and employers without legal
9 representation. Claimants and employers without legal representation may file documents with the Commission via
10 EDFP, electronic mail, facsimile, U.S. Mail, private courier service, or hand delivery.

11 (b) All documents listed in Table 1 below shall be transmitted to the Commission via the Commission's Electronic
12 Document Filing Portal ("EDFP"). Information regarding how to register for and use EDPF is available at
13 <http://www.ic.nc.gov/training.html>. In the event EDPF is inoperable, all documents listed in Table 1 below shall be
14 sent to the Commission via electronic mail to edfp@ic.nc.gov. Documents listed in Table 1 below which are sent to
15 the Commission via electronic mail when EDPF is operable shall not be accepted for filing.

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17 Table 1: Documents to be filed via EDPF

<u>Appeal of Administrative Order to Full Commission</u>
<u>Appeal of Medical Motion Order to Full Commission</u>
<u>Appeal of Opinion and Award of Deputy Commissioner</u>
<u>Appeal of Order of Executive Secretary (Non-Medical)</u>
<u>Attorney Representation Letter</u>
<u>Brief to the Full Commission</u>
<u>Brief or Contentions</u>
<u>Compromise Settlement Agreement</u>
<u>Confirmation of Scheduling of Mediation</u>
<u>Court of Appeals – Notice of Appeal</u>
<u>Deposition</u>
<u>Form 18M</u>
<u>Form 21</u>
<u>Form 23 Application</u>
<u>Form 23 Response</u>
<u>Form 23 Additional Documentation</u>
<u>Form 24 Application</u>
<u>Form 24 Response</u>
<u>Form 24 Additional Documentation</u>

<u>Form 26</u>
<u>Form 26A</u>
<u>Form 33</u>
<u>Form 33R</u>
<u>Form 44</u>
<u>MSC2</u>
<u>MSC4</u>
<u>MSC5</u>
<u>Pre-trial Agreement</u>
<u>Notice of Scheduled Mediation</u>

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2 Transcripts of depositions shall be filed with the Commission pursuant to this Paragraph by the court reporting service.
3 The transcripts filed with the Commission shall have only one page of text per page and shall include all exhibits. The
4 parties shall provide the court reporting service with the information necessary to effectuate electronic filing of the
5 deposition transcripts and attached exhibits. If an exhibit to a deposition is in a form that makes submission of an
6 electronic copy impracticable, counsel for the party offering the exhibit shall make arrangements with the Commission
7 to facilitate the submission of the exhibit. Condensed transcripts and paper copies of deposition transcripts shall not
8 be accepted for filing.

9 (c) The workers' compensation forms listed in Table 2 below and all other documents to be filed with the
10 Commission's Claims Administration Section shall be sent to the Commission via electronic mail to forms@ic.nc.gov.

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12 Table 2: Forms to be filed via electronic mail to forms@ic.nc.gov

<u>Form 18</u>
<u>Form 18B</u>
<u>Form 26D</u>
<u>Form 28</u>
<u>Form 28B</u>
<u>Form 28C</u>
<u>Form 28T</u>
<u>Form 29</u>
<u>Form 30</u>
<u>Form 30A</u>
<u>Form 30D</u>
<u>Form 31</u>
<u>Form 60</u>
<u>Form 61</u>

Form 62

Form 63

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2 (d) Motions, motion responses, and all other documents not referenced in Paragraphs (b) and (c) of this Rule shall be
3 filed with the Commission via electronic mail in accordance with Subparagraphs (1) through (11) below:

4 (1) Medical motions and appeals of administrative orders on medical motions filed pursuant to Rule
5 .0609A of this Subchapter shall be filed via electronic mail to medicalmotions@ic.nc.gov.

6 (2) Motions or notices filed with the Office of the Executive Secretary pursuant to Rule .0609(b) of this
7 Subchapter and any other documents to be filed with the Office of the Executive Secretary which
8 are not listed in Table 1 or Table 2 above shall be sent via electronic mail to execsec@ic.nc.gov.

9 (3) Motions before a Deputy Commissioner filed pursuant to Rule .0609(a) of this Subchapter and any
10 other documents to be filed with a Deputy Commissioner which are not listed in Table 1 or Table 2
11 above shall be sent via electronic mail to deputy@ic.nc.gov.

12 (4) Motions before the Full Commission filed pursuant to Rule .0609(c) of this Subchapter and any
13 other documents to be filed with the Full Commission which are not listed in Table 1 or Table 2
14 above shall be sent via electronic mail to fullcommission@ic.nc.gov.

15 (5) Motions and any other documents to be filed with the Commission's Claims Administration Section
16 which are not listed in Table 1 or Table 2 above shall be sent via electronic mail to forms@ic.nc.gov.

17 (6) Documents to be filed with the Commission's Docket Section which are not listed in Table 1 or
18 Table 2 above shall be sent via electronic mail to dockets@ic.nc.gov.

19 (7) Documents to be filed with the Commission's Mediation Section which are not listed in Table 1 or
20 Table 2 above shall be sent via electronic mail to mediation@ic.nc.gov.

21 (8) Documents to be filed with the Commission's Compliance & Fraud Investigative Division which
22 are not listed in Table 1 or Table 2 above shall be sent via electronic mail to
23 fraudcomplaints@ic.nc.gov.

24 (9) Documents to be filed with the Commission's Medical Fees Section which are not listed in Table 1
25 or Table 2 above shall be sent via electronic mail to medicalfees@ic.nc.gov.

26 (10) Documents to be filed with the Commission's Safety Education & Training Section which are not
27 listed in Table 1 or Table 2 above shall be sent via electronic mail to safety@ic.nc.gov.

28 (11) Forms 25N to be filed with the Commission's Medical Rehabilitation Nurses Section shall be sent
29 via electronic mail to 25n@ic.nc.gov. Rehabilitation referrals to be filed with the Commission's
30 Medical Rehabilitation Nurses Section shall be sent via electronic mail to rehab.referrals@ic.nc.gov.

31 (e) A one-year waiver shall be granted to a self-insured employer, carrier, third-party administrator, or law firm that
32 notifies the Commission of its inability to comply with the electronic filing requirements in Paragraph (a) of this Rule
33 due to a lack of the necessary internet technology resources. The notification shall indicate why the entity is unable
34 to comply with the rule and outline its plan for coming into compliance within the one-year period. The notification
35 shall be filed with the Office of the Clerk of the Commission via facsimile or U.S Mail.

1 (f) A self-insured employer, carrier, third-party administrator, or law firm may apply to the Commission for an
2 emergency temporary waiver of the electronic filing requirement in Paragraph (a) of this Rule when it is unable to
3 comply because of temporary technical problems and/or lack of electronic mail or internet access. The request for an
4 emergency temporary waiver shall be included with any filing submitted via facsimile, U.S. Mail, or hand delivery
5 due to such temporary technical or access issues.

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7 *History Note: Authority G.S. 97-80;*
8 *Eff. February 1, 2016.*
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