

Rule 04 NCAC 10E .0203 is proposed for amendment as follows:

04 NCAC 10E .0203 FEES SET BY THE COMMISSION

~~(a) (Effective until July 1, 2015)~~ In workers' compensation cases, the Commission sets the following fees:

- ~~(1) four hundred dollars (\$400.00) for the processing of a compromise settlement agreement to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full when submitting the agreement to the Commission and, unless the parties agree otherwise, shall be entitled to a credit for the employee's 50 percent share of such fee against settlement proceeds;~~
- ~~(2) three hundred dollars (\$300.00) for the processing of a Form 21 Agreement for Compensation for Disability, Form 26 Supplemental Agreement as to Payment of Compensation, or Form 26A Employer's Admission of Employee's Right to Permanent Partial Disability to be paid by the employee and the employer or the employer's carrier in equal shares. The employer or the employer's carrier shall pay such fee in full when submitting the agreement to the Commission. Unless the parties agree otherwise or the award totals three thousand dollars (\$3,000) or less, the employer and the employer's carrier shall be entitled to a credit for the employee's 50 percent share of such fee against the award;~~
- ~~(3) two hundred dollars (\$200.00) for the processing of a I.C. Form MSC5, Report of Mediator, to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full upon receipt of an invoice from the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's share of such fees when the case is concluded from any compensation that may be determined to be due to the employee. The employer(s) or the employer's carrier(s) may withhold funds from any award for this purpose; and~~
- ~~(4) a fee equal to the filing fee required to file of a civil action in the Superior Court division of the General Court of Justice for the processing of a Form 331 Intervenor's Request that Claim be Assigned for Hearing, to be paid by the intervenor.~~

~~(a) (Effective July 1, 2015)~~ (Effective until July 1, 2021) In workers' compensation cases, the Commission sets the following fees:

- ~~(1) four hundred dollars (\$400.00)~~ four hundred thirty dollars (\$430.00) for the processing of a compromise settlement agreement to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full when submitting the agreement to the Commission and, unless the parties agree otherwise, shall be entitled to a credit for the employee's 50 percent share of such fee against settlement proceeds;
- (2) two hundred dollars (\$200.00) for the processing of a I.C. Form MSC5, Report of Mediator, to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The

1 employer(s) or the employer's carrier(s) shall pay such fee in full upon receipt of an invoice from
2 the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's
3 share of such fees when the case is concluded from any compensation that may be determined to be
4 due to the employee. The employer(s) or the employer's carrier(s) may withhold funds from any
5 award for this purpose; and

- 6 (3) a fee equal to the filing fee required to file of a civil action in the Superior Court division of the
7 General Court of Justice for the processing of a Form 33I *Intervenor's Request that Claim be*
8 *Assigned for Hearing*, to be paid by the intervenor.

9 (a) **(Effective July 1, 2021)** In workers' compensation cases, the Commission sets the following fees:

- 10 (1) four hundred dollars (\$400.00) for the processing of a compromise settlement agreement to be paid
11 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The
12 employer(s) or the employer's carrier(s) shall pay such fee in full when submitting the agreement to
13 the Commission and, unless the parties agree otherwise, shall be entitled to a credit for the
14 employee's 50 percent share of such fee against settlement proceeds;

- 15 (2) two hundred dollars (\$200.00) for the processing of a I.C. Form MSC5, *Report of Mediator*, to be
16 paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The
17 employer(s) or the employer's carrier(s) shall pay such fee in full upon receipt of an invoice from
18 the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's
19 share of such fees when the case is concluded from any compensation that may be determined to be
20 due to the employee. The employer(s) or the employer's carrier(s) may withhold funds from any
21 award for this purpose; and

- 22 (3) a fee equal to the filing fee required to file of a civil action in the Superior Court division of the
23 General Court of Justice for the processing of a Form 33I *Intervenor's Request that Claim be*
24 *Assigned for Hearing*, to be paid by the intervenor.

25 (b) In tort claims cases, the filing fee is an amount equal to the filing fee required to file a civil action in the Superior
26 Court division of the General Court of Justice.

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28 *History Note: Authority G.S. 7A-305; 97-17; 97-26(i); 97-73; 97-80; 143-291.2; 143-300; S.L 2014-77; S.L. 2017-*
29 *57*
30 *Eff. November 1, 2014.*
31 *Amended Eff. March 1, 2018*