

PRACTICE TIPS

Supplemental Requests for Hearing

Every week the Hearings Division receives numerous “supplemental” requests for hearing--that is, a request for hearing, involving the same claimant, that has been filed subsequent to the original request for hearing (which usually already has a hearing date scheduled). Such a supplemental request for hearing may be processed in one of several ways:

- ◆ If the request for hearing has a different claim number from the one on the original request for hearing, we will assign it a new WCB case number. If the bifurcation question on the request for hearing form is answered “yes,” the supplemental request for hearing will be set for a separate hearing. If the consolidation question on the request for hearing form is answered “yes,” the supplemental request for hearing will be consolidated with the case (arising from the original request for hearing) that is already set for hearing. In either event, a new notice of hearing will be issued because a new WCB case number has been established.

- ◆ If the supplemental request for hearing pertains to the same claim number as the case already set for hearing, and if the request for hearing form requests consolidation with the pending case, the supplemental request for hearing will simply be routed to the existing WCB case file. No new WCB case number will be established, and no new notice of hearing will be issued (the only exception is a request for hearing that appeals an Order on Reconsideration, which will get a new WCB case number and a new notice of hearing). If the request for hearing form requests bifurcation, the supplemental request for hearing will be given a new WCB case number and a separate hearing date and a new notice of hearing will be issued.

If consolidation is requested, the parties should expect (absent a contrary ruling by the assigned ALJ at or prior to the hearing) that the issues raised by the supplemental request for hearing will be tried with the issues raised by the original request for hearing.

All supplemental requests for hearing should be filed with the Board’s Salem office, not the field office where the pending case (from the original request for hearing) is set for hearing. That way the Board’s Central Support Section in Salem can properly process the supplemental request for hearing per one of the above options.

Finally, it is very important that you remember to answer “yes” or “no” to the bifurcation and consolidation questions (in boldface) on the request for hearing form.