

1415.1000 COMMENCEMENT OF PROCEEDINGS.

Subpart 1. **Commencement of proceedings.** Except for a potential intervenor claim under part 1420.1850, subpart 4, or a request for an administrative conference, or where otherwise provided by law, a proceeding for adjudication of a claim by a party under Minnesota Statutes, chapter 176, is commenced by petition and must be in the form prescribed by the division, containing:

- A. the name, address, and social security number of the employee;
- B. the name and address of each employer at the time an injury or disease is alleged to have occurred;
- C. the name of each employer's workers' compensation insurer;
- D. the date of each injury or occupational disease claimed;
- E. the weekly wage at the time of injury or disease;
- F. the nature of the injury or disease;
- G. a statement that the injury or disease arose out of and in the course of the employment and that the employer had knowledge or notice of the injury or disease;
- H. an itemization of all benefits claimed, including the type of disability and the time period for which coverage is claimed;
- I. an itemization of medical benefits claimed;
- J. the name, address, and claim or policy number of any potential intervenor;
- K. the name, address, telephone number, and Minnesota Supreme Court license number of the petitioner's attorney; and
- L. whether an interpreter or reasonable accommodation of disability is needed.

Subp. 2. **Service of petition, filing.** The petitioner shall serve a copy of the petition, together with all attachments, on all other parties named in the caption. The petition and medical, vocational, or other reports supporting each claim, must be filed with the division with an affidavit of service.

Subp. 3. [Repealed, 29 SR 1448]

Subp. 4. **Amended petitions and requests.** When an amendment to a petition or to a medical or rehabilitation request seeks to add, subtract, or change a party to the claim or injury date, the petitioner must file an amended petition or medical or rehabilitation request on the form or in the format prescribed by the division. The judge or the commissioner shall disallow an amended petition or medical or rehabilitation request or continue the proceeding if the adverse party has insufficient time to prepare for a proceeding regarding the new issues or parties. Service of amended petitions is governed by part 1420.1300, subpart 2. A motion

for joinder under part 1420.1300 rather than an amended petition must be filed to add a party when there are fewer than 120 days before a scheduled hearing.

Subp. 5. **Letter amendment to petition or request.** If a petitioner seeks to add an additional claim, withdraw a claim, or otherwise change the claimed benefits or other assertions that do not change the identified parties, the petitioner may amend the claim by filing an amendment to the petition or request in the form of a letter setting forth the amendment; however, a judge or the commissioner shall disallow an amendment or continue the proceeding if the adverse party has insufficient time to prepare for a proceeding regarding the new issues.

Statutory Authority: *MS s 14.51; 175.17; 175.171; 176.081; 176.155; 176.231; 176.285; 176.312; 176.361; 176.83*

History: *9 SR 333; L 1997 c 66 s 80; L 1999 c 107 s 66; L 2000 c 343 s 4; 29 SR 1448*

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