

1420.1850 RESOLUTION OF CLAIMS WITH INTERVENORS; HEARINGS.

Subpart 1. **Stipulations without agreement of all intervenors or potential intervenors.** A stipulation for settlement that does not include the agreement of all intervenors or that seeks to preclude rights of potential intervenors must meet the requirements of this subpart.

A. Where a potential intervenor has been excluded from the settlement for failure to timely file a petition to intervene, a statement to that effect must be made in the stipulation for settlement and the stipulation must be accompanied by a copy of the notice given to the potential intervenor under part 1415.1100 and an affidavit of service. If the judge finds a potential intervenor had proper notice or actual notice of the right to intervene within a reasonable period of time before a case was finally concluded but failed to act, the judge may order extinguishment of the potential intervenor's interest under Minnesota Statutes, section 176.361.

B. Where other parties have reached an agreement to settle a claim but have been unable to reach agreement with an intervenor, or obtain the intervenor's signature on the stipulation, the requirements of subitem (1) or (2) must be met.

(1) If the stipulation is signed by the intervenor, the stipulation must include a statement that the parties negotiated with the intervenor in good faith but the intervenor chooses not to enter into an agreement and reserves the right to petition for hearing on the merits under subpart 3.

(2) If the stipulation, or a letter of agreement attached to the stipulation, is not signed by the intervenor, the parties may file a partial stipulation for settlement that complies with Minnesota Statutes, section 176.521, subdivision 2b.

Subp. 2. [Repealed, 43 SR 1083]

Subp. 3. **Intervenor hearing on the merits.**

A. If the parties have not fully resolved the intervenor claim following the procedure in subpart 1 and there is no action pending at the office, a party must file a written petition under Minnesota Statutes, section 176.291, for a hearing on the merits of the intervening party's claim. The petition must be filed within 30 days after an award on stipulation is served and filed. If a petition for a hearing on the merits of an intervenor's claim is pending at the time an award on stipulation is served and filed, the office shall schedule the intervenor claims for a hearing on the merits.

B. The intervenor may present evidence that the intervenor was effectively excluded from meaningful settlement negotiations through lack of an offer of settlement, lack of notice of the right to intervene, or an unreasonable or bad faith offer of settlement. If the judge finds that the intervenor was effectively excluded from the proceeding or negotiations, full reimbursement to the intervenor will be ordered. If the judge does not find that the intervenor was excluded from the proceeding or negotiations, the intervenor must present evidence regarding the compensability of the employee's claim from which the intervenor's claim is derived as well as evidence of the intervenor's claim. The intervenor has the burden of proving the claims.

Subp. 4. **Potential intervenor claims after final order.** If a potential intervenor claims the potential intervenor was not served with a notice of the right to intervene and a settlement or decision is now final, the potential intervenor may request a hearing on the issue of whether the parties failed to provide proper notice under part 1415.1100. The potential intervenor must, within 30 days of knowledge of the exclusion, file a motion under part 1420.2250 for a hearing under subpart 3.

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

History: *29 SR 1446; 43 SR 1083*

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