

# Index

## ACCIDENTS

- Course of employment, additional accidents due to original injuries, § 5:23
- New Accident, this index
- Nonresident employee, jurisdiction of the worker's compensation board, § 9:1
- Notice of Accident, this index
- Occupational diseases and accidental injury, compared, § 6:7
- Out-of-state accidents, jurisdiction of the worker's compensation board, § 9:3

## ACTUAL-RISK DOCTRINE

- Course of employment, § 5:3

## ADD-ONS

- Simultaneous calculation of add-on attorney's fees and penalties, § 22:3

## ADDRESS OF RECORD

- Administrative law judge, § 12:13

## AD LITEM GUARDIANS

- Appointment, § 29:1

## ADMINISTRATIVE LAW JUDGE

- Generally, § 12:1 to 12:27
- Address of record, § 12:13
- "All issues" case, stipulations on, § 12:17
- Alter ego, § 12:4
- Apparent errors in award, correction of, § 12:24
- Authority, § 12:4
- Awards
  - Apparent errors, correction of, § 12:24
  - Issuance, § 12:22
  - Requirements, § 12:11
- Briefs due to administrative law judge, § 12:20

## ADMINISTRATIVE LAW JUDGE

### —Cont'd

- Burden of proof, § 12:7
- Conclusions of law, § 12:11
- Conduct of hearing, § 12:7
- Correction of apparent errors in award, § 12:24
- Decision and award, requirements for, § 12:11
- Defense based upon statute of limitations, § 12:25
- Discovery procedures, § 12:5
- Drug tests, evidence of, § 12:10
- Errors in award, correction of apparent, § 12:24
- Evidence
  - Drug tests, § 12:10
  - Medical evidence, § 12:8
  - Presentation at hearing, § 12:18
  - Prospective employer, § 12:9
  - Rules, § 12:6
  - Time within which to present evidence, § 12:23
- Findings of fact and conclusions of law, § 12:11
- Fraud and compliance unit, hearing involving, § 12:27
- Hearings before, generally, § 12:1 to 12:27
- Impeachment of witness, § 12:18
- Limitation of actions, defense based upon, § 12:25
- Medical evidence, § 12:8
- Medical testimony, § 12:19
- Mistakes, correction of apparent errors in award, § 12:24
- Nonresident party, notice to, § 12:14
- Notice to nonresident party, § 12:14
- Objections, § 12:18
- Orders, enforcement of, § 12:12
- Overpayments, authority to adjudicate, § 12:26

**ADMINISTRATIVE LAW JUDGE**

**—Cont'd**

- Place of hearing, § 12:3
- Postponements, time of, § 12:2
- Presentation of case, suggestions,  
§ 12:15
- Procedure during course of hearing  
before administrative law judge,  
§ 12:16
- Prospective employer, evidence of,  
§ 12:9
- Rules of evidence, § 12:6
- Statute of limitations, defense based  
upon, § 12:25
- Time
  - Evidence, time within which to  
present, § 12:23
  - Hearing and postponements,  
§ 12:2
- Two-insurer battle, § 12:21
- Witness, impeachment of, § 12:18

**ADVANCE AUTHORIZATION**

- Medical treatment, § 25:2

**ADVANCES**

- Lump Sums and Advances, this index

**ADVERTISING**

- Attorney's fees and litigation  
expenses, prohibition against  
certain advertising, § 22:2

**AFTER WORK ACTIVITIES**

- Course of employment, injuries from  
after work activities, § 5:15

**AGGRAVATION**

- Occupational diseases, § 24:7

**ALCOHOL AND ALCOHOLISM**

- Blood alcohol test in establishing  
intoxication, defenses based on  
employee's conduct, § 7:8
- Injuries from alcoholism, § 6:6

**ALTER EGO**

- Administrative law judge, § 12:4
- Exclusive remedy, § 8:1 to 8:4
- Payment of compensation,  
controversy after 81 days,  
§ 20:8

**ALTERNATIVE DISPUTE  
RESOLUTION**

- Generally, § 33:1
- Mediation through ADR unit, § 33:1

**AMICUS CURIAE BRIEFS**

- Appeals to appellate division, § 13:7

**ANY EVIDENCE RULE**

- Appeals to appellate division, § 13:11
- Superior Court, appeals to, § 14:4

**APPEAL**

- Appellate Division, Appeals to, this  
index
- Court of Appeals, this index
- Superior Court, Appeals to, this index
- Supreme Court, Appeals to, this  
index

**APPELLATE DIVISION, APPEALS  
TO**

- Generally, § 13:1 to 13:14
- Additional evidence, § 13:8
- Amicus curiae briefs, § 13:7
- Any evidence rule, § 13:11
- Application for review, § 13:3
- Argument of counsel, § 13:6
- Awards
  - Appellate division, awards from,  
§ 13:10
  - Correction of apparent errors in  
award, § 13:12
  - Interest payable on final award,  
§ 13:14

**Briefs**

- Generally, § 13:13
- Amicus curiae briefs, § 13:7
- Enumerations of error, § 13:7
- Calendar notice, § 13:5
- Composition of appellate division,  
§ 13:2
- Correction of apparent errors in  
award, § 13:12
- Court of Appeals, this index
- Cross-appeal, § 13:3
- Enumerations of error, § 13:7
- Errors
  - Correction of apparent errors in  
award, § 13:12

## INDEX

### APPELLATE DIVISION, APPEALS

#### TO—Cont'd

Errors—Cont'd

Enumerations of, § 13:7

Evidence

Additional, § 13:8

Any evidence rule, § 13:11

Newly discovered evidence, § 13:9

Interest payable on final award,  
§ 13:14

Members, term, § 13:2

Mistakes. Errors, above

Newly discovered evidence, § 13:9

Notice, calendar notice, § 13:5

Oral argument, § 13:3; 13:13

Practical suggestions for handling  
appeals before appellate division,  
§ 13:13

Procedure for appeals and cross-appeals,  
§ 13:3

Standard of review, § 13:5

Statutory provisions and nomenclature,  
§ 13:1

Term of members, § 13:2

Timely filing of appeal, § 13:4

### APPOINTMENT

Guardians, § 29:1; 29:2

### APPORTIONMENT

Subsequent injury trust fund, § 28:6

### ARGUMENT OF COUNSEL

Appeals to appellate division, § 13:6

### “ARISING OUT OF EMPLOYMENT”

Course of Employment, this index

### ASSAULTS

Course of employment, assaults and  
injuries caused by third parties,  
§ 5:13

### ASSIGNED RISK

Insurance and self-insurance, § 27:13

### ASSOCIATE BROKERS

Employer and employee, exclusion  
from workers' compensation,  
§ 2:4

### ATTORNEYS

Fees. Attorney's Fees and Litigation  
Expenses, this index

Rehabilitation, role of lawyer's,  
§ 26:9

### ATTORNEY'S FEES AND LITIGATION EXPENSES

Generally, § 22:1 to 22:6

Add-on attorney's fees and penalties  
simultaneously, calculation,  
§ 22:3

Advertising, prohibition against  
certain, § 22:2

Brokered fees and certain advertising,  
prohibition against, § 22:2

Exclusive remedy, apportionment of  
attorney's fees, § 8:6

Expenses of litigation, § 22:6

Georgia Insurer's Insolvency Pool  
(GIIP), attorney's fees recoverable  
against, § 22:3

Insurance and Self-Insurance, this  
index

Late payment and other non-compliance,  
§ 20:4

Penalties, calculation of add-on  
attorney's fees and penalties  
simultaneously, § 22:3

Representation of claimants,  
attorney's fees for, § 22:1

Self-insurance. Insurance and Self-  
Insurance, this index

Subsequent injury trust fund, § 28:6

### AUTOMOBILES

Course of Employment, this index

### AUTOPSY

Medical treatment, § 25:16

### AVERAGE WEEKLY WAGE

Disability benefits, § 17:2

### AVOIDANCE

Independent contractors, principal  
contractors and subcontractors,  
workers' compensation obligation  
not to be avoided by  
contract, § 3:10

**AWARDS**

Administrative Law Judge, this index  
Appeals to Appellate Division, this index

**BLOOD ALCOHOL TEST**

Defenses based on employee's conduct, § 7:8

**BONUS**

Disability benefits, year-end bonus, § 17:2

**BRIEFS**

Appeals to Appellate Division, this index

**BURDEN OF PROOF**

Presumptions and Burden of Proof, this index

**CALENDAR NOTICE**

Appeals to appellate division, § 13:5

**CARPENTERS**

Employer and employee, § 2:5

**CASUAL EMPLOYEES AND HELPERS**

Employer and employee, § 2:6

**CATASTROPHIC INJURY**

Disability benefits, § 17:4  
Rehabilitation, § 26:2; 26:3

**CHANGE IN CONDITION**

Generally, § 23:1 to 23:11  
Burden of proof  
    Generally, § 23:6  
    Employee, § 23:7  
    Employer, § 23:8  
Filing for change in condition, time and manner of, § 23:3  
Finality of award, § 23:1  
Incarceration, effect of, § 23:10  
Interlocutory orders, § 23:5  
New accident, change in condition versus, § 23:9  
Recommencement of benefits based on change in condition, § 20:9  
Retroactivity, § 23:4  
Statute of limitations, two-year, § 23:3

**CHANGE IN CONDITION—Cont'd**

Subsequent awards, § 23:2  
Suspension and recommencement of benefits based on change in condition, § 20:9  
Temporary partial, change from temporary total to, § 23:11  
Time and manner of filing for change in condition, § 23:3

**CHILDREN AND MINORS**

Death benefits, presumption of total dependency of children of deceased, § 19:5  
Employer and employee, § 2:2  
Notice of accident, § 10:9  
Statute of limitations, minors without guardians, § 11:2

**CLOTHING ALLOWANCES**

Disability benefits, § 17:2

**COLLATERAL SOURCES OF INCOME**

Disability benefits, § 17:7

**COMMON CARRIERS BY RAILROAD**

Interstate commerce, exclusion from workers' compensation, § 2:4  
Intrastate commerce, exclusion from workers' compensation, § 2:4

**COMPENSATION**

Payment of Compensation, this index

**COMPROMISE STIPULATIONS**

Generally, § 30:2  
Form of agreement, § 30:4

**CONCLUSIONS OF LAW**

Administrative law judge, § 12:11

**CONCURRENT SIMILAR EMPLOYMENT**

Disability benefits, § 17:3

**CONDUCT OF EMPLOYEE**

Defenses Based on Employee's Conduct, this index

**CONFIDENTIALITY**

Medical information, § 25:17

## INDEX

### CONFORMED PANEL

Medical treatment, § 25:11

### CONSTRUCTION BUSINESS

Exclusive remedy, § 8:3

### CONTINUOUS EMPLOYMENT DOCTRINE

Course of employment, § 5:21

### CONTROVERTED CLAIMS

Payment of Compensation, this index

### COOPERATION

Rehabilitation, suspension of  
compensation benefits for failure  
to cooperate, § 26:8

### CORPORATE OFFICERS AND EXECUTIVES

Employer and employee, § 2:14

### CORRECTION OF ERRORS

Administrative law judge, § 12:24  
Appeals to appellate division,  
§ 13:12

### COSTS AND EXPENSES

Attorney's Fees and Litigation  
Expenses, this index  
Medical treatment, mileage and  
related medical expenses,  
§ 25:15

### COUNTY OFFICIALS

Employer and employee, § 2:2

### COURSE OF EMPLOYMENT

Generally, § 5:1 to 5:23  
Actual-risk doctrine, § 5:3  
Additional accidents due to original  
injuries, § 5:23  
After work activity injuries, § 5:15  
Aggravation of preexisting condition,  
§ 5:6  
"Arising out of employment"  
Generally, § 5:3  
Criteria, § 5:5  
Assaults and injuries caused by third  
parties, § 5:13  
Automobiles  
Employee using personal vehicle,  
§ 5:18

### COURSE OF EMPLOYMENT

#### —Cont'd

Automobiles—Cont'd

Exceptions to non-compensability  
rule for injuries while going  
to and from work in company  
car, § 5:19

Injuries occurring during while  
going to or from work in  
company-furnished or  
expenses-paid personal  
automobile, § 5:20

Bifurcation of "arising out of" and  
"in the course of employment,"  
§ 5:2

Co-employees causing injuries for  
personal reasons, § 5:14

Continuous employment doctrine,  
§ 5:21

Death, presumption that employee's  
death arose out of and in course  
of employment, § 5:7

Deviation from course of employ-  
ment, § 5:8

Exceptions to rule of non-compens-  
ability for injuries occurring  
while going to and from work,  
§ 5:19

Fights on job, injuries to employees  
caused by, § 5:12

Good Samaritan Rule, § 5:9

Horseplay, injuries received during,  
§ 5:11

Increased-risk doctrine, § 5:3

Ingress to or egress from place of  
work, reasonable time allowance  
for, § 5:16

"In course of employment," § 5:4

Injuries arising out of and in the  
course of employment, § 5:1 to  
5:23

Lunch break, § 5:22

Overnight stay away from home at  
employer's expense, § 5:21

Parking lots, injuries occurring in or  
on the way to or from, § 5:20

Peculiar-risk doctrine, § 5:3

Peculiar to employment test, § 5:21

Personal activities performed on  
employer's premises during

## **COURSE OF EMPLOYMENT**

### **—Cont'd**

- work hours, § 5:10
- Personal reasons, injuries caused by co-employees or third persons for, § 5:14
- Potential-risk doctrine, § 5:3
- Practical jokes, injuries received while performing, § 5:11
- Preexisting condition, aggravation of, § 5:6
- Preparation for work rule, § 5:22
- Recreation injuries, § 5:15
- Rest break, § 5:22
- Third persons, assaults and injuries caused by, § 5:13; 5:14
- To and from work, injuries occurring while going, § 5:17
- Transportation. Automobiles, above
- Travel to and from work, exceptions to rule of non-compensability for injuries occurring during, § 5:19
- Vehicles. Automobiles, above

## **COURT OF APPEALS**

- Generally, § 15:1 to 15:6
- Appeals to, generally, § 15:1 to 15:6
- Basis for application, § 15:3
- Determination by Court of Appeals, § 15:5
- Discretionary appeal, § 15:1
- Filing appeal, § 15:6
- Filing response, § 15:4
- Time, place and method of filing and serving application, § 15:2

## **CREDITORS**

- Disability benefits, benefits exempt from creditors, § 17:8

## **CROSS-APPEAL**

- Appeals to appellate division, § 13:3

## **DATE**

- Time or Date, this index

## **DEATH BENEFITS**

- Generally, § 19:1 to 19:11
- Change in dependency status, § 19:8

## **DEATH BENEFITS—Cont'd**

- Children of deceased, presumption of total dependency, § 19:5
- Course of employment, presumption that employee's death arose out of and in, § 5:7
- Dependents
  - Change in dependency status, § 19:8
  - Disputes involving dependents, § 19:9
  - Multiple dependents, division of benefits among, § 19:10
  - Partial dependency, § 19:7
  - Presumption of total dependency of children of deceased, § 19:5
  - Subsequent injury trust fund, no dependency death claim payments, § 28:12
  - Surviving spouse as sole dependent, § 19:4
  - Total dependency, § 19:2
  - Total dependency in fact, § 19:6
- Husband or wife. Spouse, below
- Intentional act of employer, penalty for, § 19:11
- Multiple dependents, division of benefits among, § 19:10
- Partial dependency, § 19:3; 19:7
- Penalty for intentional act of employer, § 19:11
- Presumptions
  - Course of employment, presumption that employee's death arose out of and in, § 5:7
  - Total dependency, § 19:5
- Spouse
  - Presumption of total dependency, § 19:5
  - Sole dependent, surviving spouse as, § 19:4
- Status, change in dependency status, § 19:8
- Surviving spouse as sole dependent, § 19:4
- Total dependency, § 19:2
- Total dependency in fact, § 19:6
- Wife. Spouse, above

## INDEX

### DEFENSES BASED ON EMPLOYEE'S CONDUCT

- Generally, § 7:1 to 7:15
- Blood alcohol test in establishing intoxication, § 7:8
- Burden of proof, § 7:3
- Failure to perform duty required by statute, § 7:9
- Fighting, § 7:10
- Intoxication, injury due to, § 7:7; 7:8
- Misrepresentation of physical condition, willful conduct, § 7:6
- Practical trial suggestions, § 7:12; 7:13
- Proximate cause, § 7:5
- Safety appliance, willful failure or refusal to use, § 7:11
- Statutory bar based on employee's willful misconduct, § 7:2
- Suicide, § 7:14
- Willful acts
  - Necessary element for bar, willful misconduct as, § 7:4
  - Safety appliance, failure or refusal to use, § 7:11
  - Statutory bar based on employee's willful misconduct, § 7:2

### DEFINITIONS

- Catastrophic injury, § 26:2
- Disablement, § 24:4
- Employee, § 2:2
- Employee leasing, § 2:20
- Employer, § 2:3
- Harmful noise, § 18:3
- Independent contractor, § 3:11
- Occupational disease, § 24:3
- Occupational loss of hearing, § 18:3
- Permanent impairment, § 28:3
- Permanent partial disability, § 17:6
- Subcontractor, § 3:5
- Those providing rehabilitation services, § 26:7

### DEPENDENTS

- Death Benefits, this index

### DIRECT PAYMENT SYSTEM

- Payment of compensation, § 20:1

### DISABILITY BENEFITS

- Generally, § 17:1 to 17:8
- Average weekly wage of employee, § 17:2
- Burden of proof, § 17:2
- Catastrophic injury, § 17:4
- Clothing allowances, § 17:2
- Collateral sources of income, § 17:7
- Computation of wages, § 17:2
- Concurrent similar employment, § 17:3
- Creditors, benefits exempt from, § 17:8
- Definition of permanent partial disability, § 17:6
- Exemptions, benefits exempt from creditors, § 17:8
- Full-time weekly wage of employee, § 17:2
- Income benefits
  - Permanent partial disability, § 17:6
  - Temporary partial disability, § 17:5
  - Temporary total disability, § 17:4
- Lodging allowances, § 17:2
- Meal allowances, § 17:2
- Mileage reimbursement, § 17:2
- Payment of compensation, reduction of benefits by disability plan, § 20:13
- Permanent partial disability, definition, § 17:6
- Temporary partial disability, § 17:5
- Temporary total disability, § 17:4
- Tips, § 17:2
- Wages
  - Computation, § 17:2
  - Similarly situated employee, § 17:2
- Waiting period, § 17:1
- Year-end bonus, § 17:2

### DISABLEMENT

- Defined, § 24:4

### DISCOUNTS

- Insurance premium discounts for drug-free workplace, § 27:14

### DISCOVERY

- Administrative law judge, § 12:5

**DISCRETIONARY APPEAL**

Court of appeals, § 15:1

**DOMESTIC SERVANTS**

Employer and employee, § 2:4

**DOUBLE COVERAGE**

Insurance, § 27:8

Medical treatment, § 25:1

**DRUG ADDICTION**

Injuries from, § 6:6

**DRUG-FREE WORKPLACE**

Insurance premium discounts,  
§ 27:14

**DRUG TESTS**

Administrative law judge, evidence  
of drug tests, § 12:10

**DUAL INSURANCE**

Double Coverage, this index

**DUAL JURISDICTION**

Worker's compensation board, § 9:4

**EGRESS OR INGRESS**

Course of employment, reasonable  
time allowance for ingress to or  
egress from place of work,  
§ 5:16

**ELECTED COUNTY OFFICIALS**

Employee, inclusion in definition of,  
§ 2:2

**ELECTRONIC CLAIMS  
PROCESSING**

Jurisdiction of the worker's  
compensation board, § 9:2

**ELEEMOSYNARY INSTITUTIONS**

Employees of, § 2:19

**EMOTIONAL INJURY**

Provisions for emotional injury arising out of physical injury, § 6:4

**EMPLOYEE LEASING**

Defined, § 2:20

**EMPLOYER AND EMPLOYEE**

Generally, § 2:1 to 2:26

**ENFORCEMENT DIVISION**

Generally, § 32:1

**EQUITABLE ESTOPPEL**

Employer and employee, § 2:22

**ERROR**

Mistake or Error, this index

**ESTOPPEL**

Employees by reason of estoppel,  
§ 2:21

Employers by reason of estoppel,  
§ 2:22

Independent contractors, principal  
contractors and subcontractors,  
employment by estoppel, § 3:8

Insurance and self-insurance, estoppel to plead certain defenses,  
§ 27:11

**EVIDENCE**

Administrative Law Judge, this index  
Appeals to Appellate Division, this  
index

**EXCLUSIONS**

Exemptions and Exclusions, this  
index

**EXCLUSIVE REMEDY**

Generally, § 8:1 to 8:7

Alter ego, § 8:1 to 8:4

Attorney's fees, apportionment of,  
§ 8:6

Construction business, principal  
contractor, § 8:3

Denial of immunity, § 8:5

Extent of employer's immunity, § 8:2

Full compensation, determination of,  
§ 8:6

Granting of immunity, cases, § 8:4

Intentional acts by employer, § 8:7

Occupational diseases, § 24:10

Subrogation, § 8:6

Third parties

Generally, § 8:3

Employer's immunity against third  
parties, § 8:2

Trucking business, principal contractor, § 8:3

## INDEX

### EXEMPTIONS AND EXCLUSIONS

- Associate brokers, § 2:4
- Disability benefits, benefits exempt from creditors, § 17:8
- Domestic servants, § 2:4
- Employer and employee, generally, § 2:4
- Farm laborers, § 2:4
- Interstate commerce, common carriers by railroad engaged in, § 2:4
- Intrastate commerce, common carriers by railroad engaged in, § 2:4
- Licensed real estate salespersons, § 2:4
- Three employees, employers with fewer than, § 2:4

### EXPENSES

- Costs and Expenses, this index

### FACSIMILE

- Statute of limitations, filing claim by facsimile, § 11:1

### FALSE REPRESENTATION

- Occupational diseases, § 24:8

### FARM LABORERS

- Exclusion from workers' compensation, § 2:4

### FIGHTS AND FIGHTING

- Course of employment, injuries to employees caused by fights on job, § 5:12
- Defenses based on employee's conduct, § 7:10

### FINALITY OF AWARD

- Change in condition, § 23:1

### FINAL PAYMENT

- Notice of, § 20:10

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

- Administrative law judge, § 12:11

### FIREMEN AND POLICEMEN

- Generally, § 2:11
- Inclusion in definition of employee, § 2:2

### FRAUD

- Administrative law judge, hearing involving fraud and compliance unit, § 12:27
- Enforcement Division, fraud investigators, § 32:1
- Exception where employee is prohibited from giving notice by fraud or deceit practiced by employer or insurer, § 10:5
- Notice of accident by fraud or deceit practiced by employer or insurer, exception where employee is prohibited from giving, § 10:5
- Statute of limitations, tolling, § 11:2

### GENERAL MASTER CONTROL

- Special master control, distinguished, § 2:8

### GEORGIA INSURER'S INSOLVENCY POOL (GIIP)

- Attorney's fees recoverable against GIIP, § 22:3

### GOOD SAMARITAN RULE

- Course of employment, § 5:9

### GROUP INSURANCE CARRIERS

- Jurisdiction of the worker's compensation board, § 9:5
- Medical treatment, reimbursement of group insurance carrier, § 25:19

### GROUP SELF-INSURANCE

- Generally, § 27:4

### GUARDIANS

- Generally, § 29:1; 29:2
- Ad litem guardians, appointment, § 29:1
- Appointment, authority of, § 29:1
- Probate court, guardians to be appointed by, § 29:2
- Statute of limitations for minors without guardians, tolling of, § 11:2
- Temporary guardians, appointment, § 29:1

**HEARING**

Noise Causing Loss of Hearing, this index

**HEARING AIDS**

Employee's ability to understand speech by use of hearing aid, § 18:11

**HEARINGS**

Administrative Law Judge, this index

**HEART ATTACKS**

Provisions, § 6:2

**HERNIAS**

Preexisting condition, § 6:3

**HISTORY OF WORKERS' COMPENSATION**

Generally, § 1:1 to 1:4  
Damages for injury, distinguished, § 1:3  
Liberal construction, § 1:4  
Statutory nature, § 1:2

**HORSEPLAY**

Course of employment, injuries received during horseplay, § 5:11

**HOSPITAL AUTHORITY EMPLOYEES**

Generally, § 2:13; 2:19

**HUSBAND OR WIFE**

Death Benefits, this index  
Notice of accident by spouse, § 10:9

**ICMS (INTEGRATED CLAIMS MANAGEMENT SYSTEM)**

Jurisdiction of the worker's compensation board, § 9:2

**IDIOPATHIC CAUSES**

Injuries from, § 6:5

**ILLEGAL ALIENS**

Employer and employee, § 2:26

**ILLITERATE EMPLOYEES**

Notice of accident, exceptions, § 10:5

**IMPEACHMENT OF WITNESS**

Administrative law judge, § 12:18

**INCARCERATION**

Change in condition, effect of incarceration, § 23:10  
Inmates, employer and employee, § 2:2

**INCOME BENEFITS**

Disability Benefits, this index

**INCREASED-RISK DOCTRINE**

Course of employment, § 5:3

**INDEPENDENT CONTRACTORS, PRINCIPAL CONTRACTORS AND SUBCONTRACTORS**

Generally, § 2:2; 2:9; 3:1 to 3:11  
Add or subtract work, right to, § 3:4  
Avoidance, workers' compensation obligation not to be avoided by contract, § 3:10  
Checklist, factors determining relationship, § 3:4  
Definite time frame, contract with, determining relationship of parties, § 3:4  
Definitions  
    Independent contractor, § 3:11  
    Premises, § 3:5  
    Subcontractor, § 3:5  
Employees of subcontractor, control over, § 3:4  
Employer and employee, § 2:2; 2:9  
Employer-employee relationship, right of control equals, § 3:2  
Employment relationship pursuant to O.C.G.A. § 34-9-8, § 3:5  
Estoppel, employment by, § 3:8  
Expertise exercised by subcontractor or subcontractor's employees, § 3:4  
Factors demonstrating right or absence of right of control, § 3:3  
Hours subcontractor and employees work, control over, § 3:4  
Immediate employer, claim first instituted against, § 3:7  
Intention to create independent contractor relationship or employer/employee relationship, § 3:4

## INDEX

### **INDEPENDENT CONTRACTORS, PRINCIPAL CONTRACTORS AND SUBCONTRACTORS —Cont'd**

- Length of time contractor is employed, § 3:4
- Liability under O.C.G.A. § 34-9-8; fewer than three employees, § 3:6
- Materials used by subcontractor, right to select, § 3:4
- Method of payment to worker, § 3:4
- Payment to worker, method of, § 3:4
- Recovery of sums paid by principal, intermediate, or subcontractor, § 3:9
- Regular business of employer, whether subcontractor work is, § 3:4
- Right or absence of right of control, factors demonstrating, § 3:3
- Skill or expertise exercised by subcontractor or subcontractor's employees, § 3:4
- Statutory definition, independent contractor, § 3:11
- Subcontractor, defined, § 3:5
- Sums paid by principal, intermediate, or subcontractor, recovery of, § 3:9
- Taxes, demonstration of right of control by withholding taxes, § 3:3
- Three employees, fewer than, liability under O.C.G.A. § 34-9-8, § 3:6
- Withholding of taxes, demonstration of right of control by, § 3:3

### **INGRESS OR EGRESS**

- Course of employment, reasonable time allowance for ingress to or egress from place of work, § 5:16

### **INMATES**

- Employer and employee, § 2:2

### **INSURANCE AND SELF-INSURANCE**

- Generally, § 27:1 to 27:14

### **INSURANCE AND SELF-INSURANCE—Cont'd**

- Assigned risk workers' compensation policies, § 27:13
- Attorney's fees and litigation expenses
  - Against employee, attorney's fees of employer and insurance carrier, § 22:5
  - Assessment of attorney's fees against employer and insurance carrier, § 22:3
  - Employer and insurance carrier, attorney's fees for representing, § 22:4
  - Guaranty trust fund, assessment of attorney's fees against self-insurer's, § 22:3
- Coverage information, filing of, § 27:6
- Discounts, premium discount for drug-free workplace, § 27:14
- Distinct businesses, coverage for, § 27:9
- Double insurance coverage, § 27:8
- Drug-free workplace, premium discount for, § 27:14
- Dual insurance coverage, § 27:8
- Employers must insure payment of compensation, § 27:1
- Estoppel to plead certain defenses, § 27:11
- Failure of employer to provide insurance, § 27:5
- Filing of coverage information, § 27:6
- Group self-insurance funds, § 27:4
- Jurisdiction of the worker's compensation board, § 9:5; 27:12
- Licensed Rating Organization, § 27:6
- Partnerships, coverage of, § 27:10
- Policy construction, § 27:7
- Premium discount for drug-free workplace, § 27:14
- Self-insurance, generally, § 27:2 to 24:4
- Self-Insurers Guaranty Trust Fund, § 22:3; 27:3

**INTEGRATED CLAIMS  
MANAGEMENT SYSTEM  
(ICMS)**

Jurisdiction of the worker's  
compensation board, § 9:2

**INTENTIONAL ACTS**

Death benefits, penalty for intentional  
act of employer, § 19:11

Exclusive remedy for intentional acts  
by employer, § 8:7

**INTEREST**

Appeals to appellate division, interest  
payable on final award, § 13:14

**INTERLOCUTORY ORDERS**

Change in condition, § 23:5

**INTERSTATE COMMERCE**

Exclusion from workers' compensa-  
tion of common carriers by  
railroad engaged in, § 2:4

Interstate Motor Common Carrier  
Act, § 2:23

**INTOXICATION**

Defenses based on employee's  
conduct, injury due to intoxica-  
tion, § 7:7; 7:8

**INTRASTATE COMMERCE**

Exclusion from workers' compensa-  
tion of common carriers by  
railroad engaged in, § 2:4

**JOINT SERVICE**

Employees in joint service of more  
than one employer, § 4:1

**JOINT VENTURERS**

Employer and employee, § 2:16

**JUDGES**

Administrative Law Judge, this index  
Employee defined, § 2:2

**JURISDICTION OF THE  
WORKER'S COMPENSATION  
BOARD**

Generally, § 9:1 to 9:6

Accidents outside state of Georgia,  
§ 9:3

Dual jurisdiction, § 9:4

**JURISDICTION OF THE  
WORKER'S COMPENSATION  
BOARD—Cont'd**

Electronic claims processing, § 9:2

Five-year statute, § 9:6

Group insurance carriers, § 9:5

ICMS, implementation of, § 9:2

Insurance and self-insurance, § 9:5;  
27:12

Integrated claims management  
system, § 9:2

Nonresident employee, accidental  
injury, § 9:1

**LAST EMPLOYER**

Occupational diseases, liability,  
§ 24:9

**LATE PAYMENTS**

Penalties, § 20:3

**LAY OPINION AND  
OBSERVATION**

Causal relationship between work  
activities and heart attack, § 6:2

**LEASES**

Employee leasing companies, § 2:20

**LICENSED RATING  
ORGANIZATION**

Insurance and self-insurance, § 27:6

**LICENSED REAL ESTATE  
SALESPERSONS**

Employer and employee, § 2:4

**LIMITATION OF ACTIONS**

Statute of Limitations, this index

**LITIGATION EXPENSES**

Attorney's Fees and Litigation  
Expenses, this index

**LOANED EMPLOYEES**

Generally, § 2:8

**LOANED SERVANT TEST**

Generally, § 2:8

**LODGING ALLOWANCES**

Disability benefits, § 17:2

## INDEX

### **LUMP SUMS AND ADVANCES**

- Generally, § 21:1 to 21:4
- Advances, generally, § 21:2
- Lump sums, generally, § 21:1
- Presenting and opposing lump sum or advance application, § 21:3
- Trustee, payment of lump sum to, § 21:4

### **LUNCH BREAK**

- Course of employment, § 5:22

### **MANAGED CARE AND REHABILITATION DIVISION**

- Rehabilitation, § 26:2

### **MANAGED CARE ORGANIZATION**

- Medical treatment, § 25:12

### **MEAL ALLOWANCES**

- Disability benefits, § 17:2

### **MEDICAL EVIDENCE**

- Administrative law judge, § 12:8
- Occupational diseases, conclusiveness, § 24:12

### **MEDICAL OPINION**

- Heart attack, causal relationship between work activities and, § 6:2

### **MEDICAL TESTIMONY**

- Administrative law judge, § 12:19

### **MEDICAL TREATMENT**

- Generally, § 25:1 to 25:21
- Advance authorization, § 25:2
- Amount of treatment, § 25:1
- Authorization for medical treatment, § 25:2
- Autopsy, § 25:16
- Change in physicians, § 25:10
- Confidentiality of medical information, § 25:17
- Conformed panel, § 25:11
- Disputing amount of medical expenses, § 25:18
- Double coverage, § 25:1
- Employee requested examination, § 25:6

### **MEDICAL TREATMENT—Cont'd**

- Employer's obligation to furnish medical care, § 25:7
- Expenses, mileage and related medical expenses, § 25:15
- Free change in physicians, entitlement to make once, § 25:10
- Group insurance carrier, reimbursement of, § 25:19
- Limitation of actions. Statute of limitations, below
- Managed care organization, § 25:12
- Medical information in compensation cases not confidential, § 25:17
- Mileage and related medical expenses, § 25:15
- Notification to employees, § 25:13
- Panel of physicians, § 25:8
- Peer review organization, review of disputed charges by, § 25:18
- Penalty, untimely payment of medical charges, § 25:20
- Physical examination, § 25:5
- Referrals, primary authorized treating physician and, § 25:14
- Refusal
  - Physical examination, refusal to submit to, § 25:5
  - Suspension of benefits for refusal to accept medical treatment, § 25:4
- Reimbursement, group insurance carrier, § 25:19
- Selection of physicians, § 25:9
- Statute of limitations
  - Applicability, § 25:3
  - Submission of medical charges, § 25:21
- Submission of medical charges, statute of limitation for, § 25:21
- Suspension of benefits, refusal to accept medical treatment, § 25:4
- Type of treatment, § 25:1
- Untimely payment of medical charges, penalty for, § 25:20

### **MEDICARE**

- Settlements, impact on Medicare, § 30:7

**MEMBERS**

Appeals to appellate division, term of members, § 13:2

**MENTAL INCOMPETENCY**

Statute of limitations, § 11:2

**MERGER**

Subsequent injury trust fund, § 28:5

**METROPOLITAN ATLANTA  
RAPID TRANSIT AUTHORITY  
(MARTA)**

Employer and employee, § 2:3

**MILEAGE**

Disability benefits, mileage reimbursement, § 17:2

Medical treatment, § 25:15

**MINORS**

Children and Minors, this index

**MISTAKE OR ERROR**

Administrative law judge, correction of apparent errors in award, § 12:24

Appeals to Appellate Division, this index

**MOTOR CARRIERS**

Employer and employee, § 2:23

**MULTIPLE DEPENDENTS**

Death benefits, division of benefits among multiple dependents, § 19:10

**MULTIPLE EMPLOYERS**

Employees in joint service of more than one employer, § 4:1

**MULTIPLE INSURANCE**

Generally, § 27:8

Administrative law judge, two-insurer battle, § 12:21

**NATIONAL GUARD**

Employer and employee, § 2:12

**NEW ACCIDENT**

Change in condition, change in condition versus new accident, § 23:9

Statute of limitations, § 11:2

**NEWLY DISCOVERED EVIDENCE**

Appeals to appellate division, § 13:9

**NOISE CAUSING LOSS OF  
HEARING**

Generally, § 18:1 to 18:13

Amount payable for occupational hearing loss, § 18:9

Definitions, § 18:3

Frequencies, occupational hearing loss only at certain, § 18:6

Harmful noise, defined, § 18:3

Hearing aid, ability of employee to understand speech by use of, § 18:11

Occupational loss of hearing, defined, § 18:3

Practical practice suggestions, § 18:13

Preexisting loss, employer liable for entire occupational hearing loss but not, § 18:5

Premature claims for hearing loss, six-month provision, § 18:10

Protection devices, employee's failure to regularly utilize, § 18:12

Psychogenic hearing loss, payments not owed for temporary total or temporary partial disability or, § 18:4

Scientific formula, measurement of percentage of hearing loss, § 18:8

Six-month provision, premature claims for hearing loss, § 18:10

Temporary partial disability, payments not owed for, § 18:4

Temporary total disability, payments not owed for, § 18:4

Tinnitus, payments not owed for, § 18:4

Traumatic hearing loss, § 18:2

Which employer is liable, § 18:7

**NO-LIABILITY STIPULATIONS**

Generally, § 30:3

Form of agreement, § 30:5

**NONPROFIT ORGANIZATIONS**

Employer and employee, § 2:19

## INDEX

### NONRESIDENTS

- Administrative law judge, notice to nonresident party, § 12:14
- Jurisdiction of the worker's compensation board, nonresident employees, § 9:1

### NOTICE

- Accident. Notice of Accident, this index
- Administrative law judge, notice to nonresident party, § 12:14
- Appeals to appellate division, calendar notice, § 13:5
- Final payment, § 20:10
- Medical treatment, notification to employees, § 25:13
- Superior court, appeals to, notification to State Board, § 14:8

### NOTICE OF ACCIDENT

- Generally, § 10:1 to 10:15
- Burden of proof of notice on employee, § 10:14
- Cessation of work, notice of "accident" when employee is forced to cease work, § 10:12
- Child, notice given by, § 10:9
- Contents, written notice, § 10:15
- Date of accident, § 10:12
- Exceptions
  - Fraud or deceit practiced by employer or insurer, employee prohibited from giving notice by, § 10:5
  - Illiterate employees, § 10:5
  - Knowledge of accident, exception where employer has, § 10:6
  - Physical or mental incapacity, employee prevented from giving notice by reason of, § 10:4
  - Reasonable excuse made, § 10:7
  - 30 days, requirement of notice given within, § 10:3
- Fellow employee, notice given by, § 10:9
- Filing claim, notice requirements not same as requirements for, § 10:13

### NOTICE OF ACCIDENT—Cont'd

- Fraud or deceit practiced by employer or insurer, exception where employee is prohibited from giving notice by, § 10:5
- Illiterate employees, exceptions, § 10:5
- Knowledge of accident, exception, § 10:6
- Manner of giving written notice, § 10:15
- Personal notice, employee need not give, § 10:9
- Persons to whom notice may be given, § 10:10
- Physical or mental incapacity, exception where employee has been prevented from giving notice by reason of, § 10:4
- Reasonable excuse made, exception, § 10:7
- Spouse, notice by, § 10:9
- Statutory exceptions to requirement of notice within 30 days, § 10:3
- Statutory provisions, § 10:2
- Sufficiency of notice, § 10:8
- 30 days, statutory exceptions to requirement of notice within, § 10:3
- Unknown injury, § 10:11

### OCCUPATIONAL DISEASES

- Generally, § 24:1 to 24:13
- Accidental injury, compared, § 6:7
- Aggravation and proration, § 24:7
- Background, § 24:1
- Changes made and applicability, § 24:2
- Conclusiveness of medical findings, § 24:12
- Definitions
  - Disablement, § 24:4
  - Occupational disease, § 24:3
- Disablement, defined, § 24:4
- Essential elements, § 24:3
- Exclusive remedy, § 24:10
- False representation by employee, § 24:8
- History, § 24:1
- Last employer, liability, § 24:9

## **OCCUPATIONAL DISEASES**

### **—Cont'd**

- Medical findings, conclusiveness,  
§ 24:12
- Medical questions, resolution of,  
§ 24:11
- Occupational disease, defined, § 24:3
- Partial disability caused by  
occupational disease, § 24:6
- Prerequisites for compensation,  
§ 24:3
- Prerequisites to compensation, § 24:5
- Proration and aggravation, § 24:7
- Time limitations for compensation,  
§ 24:5

## **OCCUPATIONAL HEARING LOSS**

- Noise Causing Loss of Hearing, this  
index

## **ORAL ARGUMENT**

- Appeals to appellate division, § 13:3;  
13:13
- Superior Court, appeals to, § 14:5

## **OUT-OF-STATE ACCIDENTS**

- Jurisdiction of the worker's  
compensation board, § 9:3

## **OVERNIGHT STAY**

- Course of employment, overnight  
stay away from home at  
employer's expense, § 5:21

## **OVERPAYMENTS**

- Administrative law judge, authority  
to adjudicate overpayments,  
§ 12:26
- Reimbursement of overpayment,  
§ 20:15

## **PARKING LOTS**

- Course of employment, injuries  
occurring in or on the way to or  
from parking lots, § 5:20

## **PARTNERS AND PARTNERSHIPS**

- Employer and employee, § 2:15
- Insurance and self-insurance, § 27:10

## **PAYMENT OF COMPENSATION**

- Generally, § 20:1 to 20:15

## **PAYMENT OF COMPENSATION**

### **—Cont'd**

- Advances. Lump Sums and  
Advances, this index
- Alter ego, controverting after 81  
days, § 20:8
- Attorney's fees for late payment and  
other non-compliance, § 20:4
- Award, enforcement of, § 20:11
- Change in condition, suspension and  
recommencement of benefits  
based on, § 20:9
- Controverted claim
  - Generally, § 20:5
  - 81 days, controverting after, § 20:8
  - 81 days, controverting within,  
§ 20:7
  - 21 days, controverting within,  
§ 20:6
- Direct payment system, § 20:1
- Disability plan, reduction of benefits  
by, § 20:13
- 81 days, controverting within or after,  
§ 20:7; 20:8
- Enforcement of award, § 20:11
- Final payment, notice of, § 20:10
- Late payment penalties, § 20:3
- Lump Sums and Advances, this index
- Method of payment, § 20:2
- Notice of final payment, § 20:10
- Overpayment, reimbursement of,  
§ 20:15
- Penalties for late payment, § 20:3
- Recommencement of benefits based  
on change in condition, § 20:9
- Record of payment, § 20:2
- Reduction of benefits
  - Disability plan, § 20:13
  - Unemployment benefits, § 20:14
- Reimbursement
  - Disability benefits to provider,  
§ 20:12
  - Overpayment, § 20:15
- Suspension and recommencement of  
benefits based on change in  
condition, § 20:9
- Time of payment, § 20:2
- 21 days, controverting within, § 20:6

## INDEX

### **PAYMENT OF COMPENSATION**

#### **—Cont'd**

Unemployment benefits, reduction of benefits by, § 20:14

### **PECULIAR-RISK DOCTRINE**

Course of employment, § 5:3

### **PECULIAR TO EMPLOYMENT RATIONALE**

Provisions for certain injuries and illnesses, § 6:5

### **PECULIAR TO EMPLOYMENT TEST**

Course of employment, § 5:21

### **PEER REVIEW ORGANIZATION**

Medical treatment, review of disputed charges by peer review organization, § 25:18

### **PENALTIES**

Attorney's fees and litigation expenses, calculation of add-on attorney's fees and penalties simultaneously, § 22:3

Civil penalties, generally, § 31:1

Criminal penalties, generally, § 31:1

Death benefits, penalty for intentional act of employer, § 19:11

Late payments, § 20:3

Medical charges, untimely payment of, § 25:20

### **PERMANENT PARTIAL DISABILITY**

Defined, § 17:6

### **PHILANTHROPIC INSTITUTIONS**

Employees of, § 2:19

### **POLICEMEN AND FIREMEN**

Generally, § 2:11

Inclusion in definition of employee, § 2:2

### **POSTPONEMENTS**

Administrative law judge, time of postponements, § 12:2

### **POTENTIAL-RISK DOCTRINE**

Course of employment, § 5:3

### **PRACTICAL JOKES**

Course of employment, injuries received while performing practical jokes, § 5:11

### **PREEXISTING CONDITIONS**

Course of employment, aggravation of preexisting condition, § 5:6

Hearing loss, employer liable for entire occupational hearing loss but not preexisting loss, § 18:5

Hernia, aggravation of preexisting, § 6:3

Subsequent injury trust fund, preexisting permanent impairment, § 28:3

### **PREPARATION FOR WORK RULE**

Course of employment, § 5:22

### **PRESUMPTIONS AND BURDEN OF PROOF**

Administrative law judge, § 12:7

Change in Condition, this index

Death Benefits, this index

Defenses based on employee's conduct, § 7:3

Disability benefits, § 17:2

Notice of accident on employee, § 10:14

### **PRINCIPAL CONTRACTORS**

Independent Contractors, Principal Contractors and Subcontractors, this index

### **PRINCIPAL REHABILITATION SUPPLIER**

Generally, § 26:4; 26:5

### **PROBATE COURT**

Guardians to be appointed by probate court, § 29:2

### **PRORATION AND AGGRAVATION**

Occupational diseases, § 24:7

### **PROSPECTIVE EMPLOYER**

Administrative law judge, evidence of prospective employer, § 12:9

**PROTECTIVE DEVICES**

Safety Appliances and Protection  
Devices, this index

**PROXIMATE CAUSE**

Defenses based on employee's  
conduct, § 7:5

**PSYCHOGENIC HEARING LOSS**

Payments not owed for, § 18:4

**PSYCHOLOGICAL-EMOTIONAL  
ILLNESS**

Provisions, § 6:4

**PUBLIC EMPLOYEES**

Employer and employee, § 2:10

**RAILROADS**

Common Carriers by Railroad, this  
index

Metropolitan Atlanta Rapid Transit  
Authority (MARTA) as  
employer, § 2:3

**RECREATION INJURIES**

Course of employment, § 5:15

**REDUCTION OF BENEFITS**

Payment of Compensation, this index

**REFERRALS**

Medical treatment, primary autho-  
rized treating physician and  
referrals, § 25:14

**REHABILITATION**

Generally, § 26:1 to 26:9

Award, rehabilitation plan and,  
§ 26:6

Catastrophic injury, § 26:2; 26:3

Cooperation, suspension of  
compensation benefits for failure  
to cooperate, § 26:8

Definition

Catastrophic injury, § 26:2

Those providing rehabilitation ser-  
vices, § 26:7

Extent of benefits, § 26:1

Lawyer's role, § 26:9

Managed Care and Rehabilitation  
Division, § 26:2

**REHABILITATION—Cont'd**

Plan for rehabilitation and award,  
§ 26:6

Principal rehabilitation supplier,  
§ 26:4; 26:5

Retirement benefits eligibility and  
catastrophic injury, § 26:2

Status of catastrophic, change in,  
§ 26:3

Statutory definition, catastrophic  
injury, § 26:2

Suspension of compensation benefits  
for failure to cooperate, § 26:8

**REIMBURSEMENT**

Disability benefits, mileage  
reimbursement, § 17:2

Medical treatment, group insurance  
carrier, § 25:19

Payment of Compensation, this index

Subsequent injury trust fund, claims  
procedure for reimbursement,  
§ 28:9

**REST BREAK**

Course of employment, § 5:22

**RETIREMENT**

Rehabilitation, retirement benefits  
eligibility and catastrophic  
injury, § 26:2

**RETROACTIVITY**

Change in condition, § 23:4

**RULES OF EVIDENCE**

Administrative law judge, § 12:6

**RURAL ELECTRIC TELEPHONE  
COOPERATIVES**

Employer and employee, § 2:10

**SAFETY APPLIANCES AND  
PROTECTION DEVICES**

Noise causing loss of hearing,  
employee's failure to regularly  
utilize protection devices,  
§ 18:12

Willful failure or refusal to use safety  
appliance, defenses based on  
employee's conduct, § 7:11

## INDEX

### SELF-INSURANCE

Insurance and Self-Insurance, this index

### SETTLEMENTS

Generally, § 30:1 to 30:8  
Attack on settlement, § 30:8  
Bona fide dispute stipulation, § 30:2  
Compromise stipulations  
    Generally, § 30:2  
    Form of agreement, § 30:4  
Medicare, impact on, § 30:7  
No-liability stipulations  
    Generally, § 30:3  
    Form of agreement, § 30:5  
Social security, impact on, § 30:6  
Stipulations  
    Compromise stipulations, § 30:2;  
        30:4  
    No-liability stipulations, § 30:3;  
        30:5  
Subsequent injury trust fund, § 28:11

### SOCIAL SECURITY

Settlements, impact on social security, § 30:6

### SOLE PROPRIETORS

Employer and employee, § 2:18

### SPECIAL MASTER CONTROL

General master control,  
distinguished, § 2:8

### SPORTS OFFICIAL

Definition of employee, § 2:2

### SPOUSE

Death Benefits, this index  
Notice of accident by spouse, § 10:9

### STANDARD OF REVIEW

Appeals to appellate division, § 13:5

### STATUTE OF LIMITATIONS

Generally, § 11:1 to 11:3  
Administrative law judge, § 12:25  
Change in condition, two-year statute of limitation, § 23:3  
Extensions and tolling of statute, § 11:2  
Facsimile, filing claim by, § 11:1

### STATUTE OF LIMITATIONS

#### —Cont'd

Fraud, tolling of statute, § 11:2  
Medical Treatment, this index  
Mental incompetency, § 11:2  
Minors without guardians, § 11:2  
“New accident,” § 11:2  
Tolling of statute, § 11:2  
Waiver, § 11:3

### STATUTORY EMPLOYER LAW

Employer and employee, § 2:23

### STROKES

Provisions, § 6:2

### SUBCONTRACTORS

Independent Contractors, Principal  
Contractors and Subcontractors,  
this index

### SUBROGATION

Exclusive remedy, § 8:6

### SUBSEQUENT AWARDS

Change in condition, § 23:2

### SUBSEQUENT INJURY TRUST FUND

Generally, § 28:1 to 28:12  
Apportionment provision, § 28:6  
Attorney's fees, § 28:6  
Corpus, fund administration and, § 28:8  
Death claim payments for dependents not allowed, § 28:12  
Definition, permanent impairment, § 28:3  
Dependency death claim payments not allowed, § 28:12  
Extent of fund payment, § 28:6  
Fund administration and corpus, § 28:8  
Fund not bound as to certain matters, § 28:10  
Knowledge of employer, § 28:4  
Limitation of time, § 28:7  
Merger, § 28:5  
Method of fund payment, § 28:6  
No dependency death claim payments, § 28:12

**SUBSEQUENT INJURY TRUST  
FUND—Cont'd**

Payment from fund, requirements for,  
§ 28:2  
Preexisting permanent impairment,  
§ 28:3  
Purpose, § 28:1  
Reimbursement, claims procedure,  
§ 28:9  
Settlement, § 28:11  
Statutory definition of merger, § 28:5  
Time limitation, § 28:7

**SUICIDE**

Defenses based on employee's  
conduct, § 7:14

**SUPERADDED INJURY**

Provisions, § 6:8

**SUPERIOR COURT, APPEALS TO**

Generally, § 14:1 to 14:8  
Action by, § 14:6  
Any evidence rule, § 14:4  
Basis for appeal, § 14:3  
Manner of filing, § 14:2  
Notification to State Board, § 14:8  
Oral argument, scheduling, § 14:5  
Place of filing, § 14:2  
Presentation of appeal, § 14:5  
Right to appeal, § 14:1  
Supersedeas, § 14:7  
Timely filing of appeal, § 14:5  
Time of filing, § 14:2

**SUPERSEDEAS**

Superior Court, appeals to, § 14:7

**SUPREME COURT**

Access to, § 16:1  
Appeals to, generally, § 16:1; 16:2  
Manner, time and place of filing for  
writ of certiorari, § 16:2

**SURVIVING SPOUSE**

Death benefits, § 19:4

**SUSPENSION**

Change in condition, suspension and  
recommencement of benefits  
based on, § 20:9

**SUSPENSION—Cont'd**

Medical treatment, refusal to accept,  
§ 25:4  
Rehabilitation, suspension of  
compensation benefits for failure  
to cooperate, § 26:8

**TAXES**

Independent contractors, principal  
contractors and subcontractors,  
demonstration of right of control  
by withholding taxes, § 3:3

**TAXICAB DRIVER**

Definition of employee, § 2:2

**TELEPHONES**

Coverage of rural electric telephone  
cooperatives, § 2:10

**TEMPORARY GUARDIANS**

Appointment, § 29:1

**TEMPORARY PARTIAL  
DISABILITY**

Generally, § 17:5

**TEMPORARY SUBSTITUTE  
EMPLOYEES**

Generally, § 2:7

**TEMPORARY TOTAL  
DISABILITY**

Generally, § 17:4

**THIRD PARTIES**

Course of employment, assaults and  
injuries caused by third persons,  
§ 5:13; 5:14  
Exclusive Remedy, this index

**TIME OR DATE**

Administrative Law Judge, this index  
Appeals to appellate division, timely  
filing of appeal, § 13:4  
Change in condition, time and man-  
ner of filing for change in condi-  
tion, § 23:3  
Court of appeals, time of filing and  
serving application, § 15:2  
Notice of accident, § 10:12  
Occupational diseases, time limita-  
tions for compensation, § 24:5

## INDEX

### **TIME OR DATE—Cont'd**

- Payment of compensation, § 20:2
- Subsequent injury trust fund, time limitation, § 28:7
- Superior court, appeals to, § 14:2

### **TINNITUS**

- Payments not owed for tinnitus, § 18:4

### **TIPS**

- Disability benefits, § 17:2

### **TRANSPORTATION**

- Course of Employment, this index
- Railroads, this index

### **TRAUMATIC HEARING LOSS**

- Generally, § 18:2

### **TRUCKING BUSINESS**

- Exclusive remedy, principal contractor, § 8:3

### **TRUSTS AND TRUSTEES**

- Lump sums, payment to trustee, § 21:4
- Self-Insurers Guaranty Trust Fund, § 22:3; 27:3
- Subsequent Injury Trust Fund, this index

### **UNEMPLOYMENT BENEFITS**

- Reduction of benefits by unemployment benefits, § 20:14

### **VEHICLES**

- Course of Employment, this index

### **VOLUNTEER FIREFIGHTERS AND LAW ENFORCEMENT PERSONNEL**

- Employer and employee, § 2:2; 2:11

### **WAITING PERIOD**

- Disability benefits, § 17:1

### **WAIVER**

- Statute of limitations, § 11:3

### **WIFE OR HUSBAND**

- Death Benefits, this index
- Notice of accident by spouse, § 10:9

### **WILLFUL ACTS**

- Defenses Based on Employee's Conduct, this index

### **WITHHOLDING OF TAXES**

- Independent contractors, principal contractors and subcontractors, demonstration of right of control by withholding taxes, § 3:3

### **WITNESSES**

- Administrative law judge, impeachment of witness, § 12:18

### **YEAR-END BONUS**

- Disability benefits, § 17:2