

Index

ABANDONMENT

Arising out of and in course of employment, **4:6**

ACCIDENTAL INJURY AND OCCUPATIONAL DISEASE

Generally, **3:1 to 3:5**

Coworker, intentional act by, **3:4**

Fellow employee, intentional act by, **3:4**

Gradually developing ailments, **3:2**

Intentional acts, **3:2 to 3:5**

Statutory language, **3:1**

Third persons, intentional act by, **3:5**

ADMINISTRATIVE EXPENSE FUND

Prehearing practice, **6:25**

ADMINISTRATIVE PROCEDURES LAW

Mississippi Workers' Compensation Commission, **6:2, 6:3**

ADOPTED CHILDREN

Death benefits, **5:83, 5:86**

ADVANCE PAYMENTS

Credits to reduce obligation for benefits, **5:62, 5:65**

AFFIRMATIVE DEFENSES

Answer to petition to controvert, **6:15**

AGGRAVATION OF INJURY

Arising out of and in course of employment, **4:12, 4:24**

AGRICULTURE

Coverage, exemptions, **2:3**

ALCOHOLIC BEVERAGES

Misconduct by employees, **4:38**

ALIENS

Covered employees, **2:13**

ALLERGIES

Arising out of and in course of employment, **4:14**

ALLERGIES—Cont'd

Reasonable efforts to obtain other employment, disability and benefits, **5:30**

AMENDMENTS

Form B-31, one-year statute of limitations, **7:23**

Pleadings, controverting claims, **6:18**

AMOUNT OF BENEFITS

Generally, **5:4 to 5:11**

For detailed treatment see index heading
DISABILITY AND BENEFITS

ANEURYSMS

Arising out of and in course of employment, **4:11**

ANSWERS

Controverting claims, **6:15**

APPEALS

Generally, **8:1 to 8:15**

For detailed treatment see index heading
JUDICIAL REVIEW

APPORTIONMENT FOR PREEXISTING DISEASE

Generally, **5:55 to 5:60**

For detailed treatment see index heading
DISABILITY AND BENEFITS

APPORTIONMENT OF LIABILITY

Third parties, actions against, **10:9**

APPROVAL

See index heading CONSENT OR APPROVAL

ARBITRARY OR CAPRICIOUS

Judicial review, standard of review, **8:11**

ARGUABLE REASON

Exclusive remedy, bad faith providing benefits, **11:30**

ARISING OUT OF AND IN COURSE OF EMPLOYMENT

Generally, **4:1 to 4:40**

Abandonment, **4:6**

ARISING OUT OF AND IN COURSE OF EMPLOYMENT—Cont'd

Aggravation of injury and compensable consequences, **4:12, 4:24**

Allergy claims, connection of employment to injurious activity, **4:14**

Aneurysm cases, connection of employment to injurious activity, **4:11**

Apportionment of benefits, heart claims, **4:10**

Assault
generally, **4:21 to 4:23**
for detailed treatment see index heading ASSAULT

Asthma claims, connection of employment to injurious activity, **4:14**

Breaks in workday, **4:34**

On call employees, **4:25**

Carpal tunnel syndrome, connection of employment to injurious activity, **4:13**

Coming from and going to work
generally, **4:31 to 4:33**
for detailed treatment see index heading COMING FROM AND GOING TO WORK

Connection of employment to injurious activity
generally, **4:8 to 4:20**
allergy and asthma claims, **4:14**
death cases, presumption, **4:9**
heart claims, **4:9, 4:10, 5:58**
hernia claims, **4:12**
idiopathic falls, **4:15**
medical evidence of connection, **4:20**
mental trauma and mental injury. See "Mental trauma and mental injury" under this index heading
repetitive-motion injuries, **4:13**
stroke and aneurysm cases, **4:11**

Contact dermatitis claims, connection of employment to injurious activity, **4:14**

Death cases, presumption of connection of employment to injurious activity, **4:9**

Estoppel by fraudulent procurement of employment, **4:37**

Expert opinions, medical evidence of connection of employment to injurious activity, **4:20**

ARISING OUT OF AND IN COURSE OF EMPLOYMENT—Cont'd

Fainting, connection of employment to injurious activity, **4:15**

"Found dead" presumption, **4:9**

Fraudulent procurement of employment, estoppel by, **4:37**

Fumes, exposure to, **4:14**

Going to and coming from work
generally, **4:31 to 4:33**
for detailed treatment see index heading COMING FROM AND GOING TO WORK

Heart claims, connection of employment to injurious activity, **4:9, 4:10, 5:58**

Hernia claims, connection of employment to injurious activity, **4:12**

Horseplay among employees, **4:36**

Idiopathic falls, connection of employment to injurious activity, **4:15**

Imported dangers, **4:6**

Independent intervening cause, aggravation of injury, **4:24**

Infections resulting from injuries, **4:24**

Medical complications, **4:24**

Medical evidence of connection of employment to injurious activity, **4:20**

Mental trauma and mental injury
generally, **4:16 to 4:19**
mental stress leading to mental injury, **4:19**
mental stress leading to physical injury, **4:17**
physical injury leading to mental injury, **4:18**

Misconduct by employees
generally, **4:37 to 4:40**
for detailed treatment see index heading MISCONDUCT BY EMPLOYEES

Mixed risks, **4:7**

Nature, acts of, **4:5**

Neutral risk and acts of nature, **4:5**

Personal needs at work, **4:34**

Personal risk and imported danger, **4:6, 4:7**

Positional risk doctrine, acts of nature, **4:5**

Proportionate reduction of benefits, heart claims, **4:10**

Recreational activities, **4:35**

INDEX

ARISING OUT OF AND IN COURSE OF EMPLOYMENT—Cont'd

Repetitive-motion injuries, connection of employment to injurious activity, **4:13**

Resident employees, **4:25**

Respiratory illness claims, connection of employment to injurious activity, **4:14**

Risk of injury. See "Source of risk of injury" under this index heading

Rules, violations of, **4:37**

Safety rules, violations of, **4:37**

Slip and fall cases, connection of employment to injurious activity, **4:15**

Social activities, **4:35**

Source of risk of injury
generally, **4:3 to 4:7**
employment risk, **4:4**
mixed risk, **4:7**
neutral risk and acts of nature, **4:5**
personal risk and imported danger, **4:6**

Statutory provisions, **4:1**

Stroke cases, connection of employment to injurious activity, **4:11**

Traveling employees
generally, **4:26 to 4:30**
for detailed treatment see index heading TRAVELING EMPLOYEES

Unitary test, **4:2**

ASSAULT

Generally, **4:21 to 4:23**

Coemployee, assault at work by, **4:22**

Nonemployee, assault at work by, **4:23**

ASSIGNMENT OF CLAIMS

Prehearing practice, **6:19**

ASSIGNMENT OF RIGHT TO BENEFITS

Credits to reduce obligation for benefits, **5:63**

ASTHMA

Arising out of and in course of employment, **4:14**

ASYMPTOMATIC DEGENERATIVE CONDITIONS

Apportionment for preexisting disease, **5:57**

ATTACHMENT OF BENEFITS

Generally, **5:63, 6:59**

ATTORNEYS AND ATTORNEYS' FEES

Generally, **6:8 to 6:10**

Contingent fees for representation of claimants, **6:9**

Fees for representation of claimants, **6:8, 6:9**

Legal expenses of claimants, **6:10**

Lien for fees, **6:9, 6:59**

Third parties, actions against, **10:7**

AVERAGE WEEKLY WAGES

Disability and benefits, **5:5**

BAD FAITH

See index heading GOOD FAITH

BENEFITS

Generally, **5:1 to 5:88**

For detailed treatment see index heading
DISABILITY AND BENEFITS

BEST INTERESTS OF CLAIMANT

Lump sum payments and compromise settlements, **6:49**

BONDS AND UNDERTAKINGS

Judicial review, supersedeas, **8:5**

BREAKS IN WORKDAY

Arising out of and in course of employment, **4:34**

BRIEFS

Judicial review, **8:6**

BROTHERS

Death benefits, **5:85**

BURDEN OF PROOF

See index heading PRESUMPTIONS AND
BURDEN OF PROOF

CAPRICIOUS OR ARBITRARY

Judicial review, standard of review, **8:11**

CARPAL TUNNEL SYNDROME

Arising out of and in course of employment, **4:13**

CASUAL EMPLOYMENT

Coverage, **2:8**

CERTIORARI

Review by Supreme Court, **8:7**

CHANGE IN CONDITIONS

One-year statute of limitations, **7:22**

CHILDREN AND MINORS

Covered employees, **2:13**

Death benefits, **5:83**

Lien against benefits, child support, **6:59**

Lump sum payments and compromise settlements, **6:53, 6:54**

18 age, majority for settling claims, **6:55**

One-year statute of limitations, notice to parties and minors, **7:23**

CIRCUIT COURTS

Judicial review, **8:1, 8:4, 8:6**

CIRCUMSTANTIAL EVIDENCE

Hearings, **6:34**

COLLATERAL SOURCES

Disability and benefits, **5:63**

COMING FROM AND GOING TO WORK

Generally, **4:31 to 4:33**

Employer-supported travel, **4:32**

Exceptions to rule, **4:31**

Special travel hazards, **4:33**

COMPROMISE SETTLEMENTS

Generally, **6:49 to 6:57**

For detailed treatment see index heading
LUMP SUM PAYMENTS AND COMPROMISE
SETTLEMENTS

CONCLUSION OF LAW

End or continuation of disability as, **5:22, 5:25**

Judicial review, standard of review, **8:13**

CONFERENCES

Prehearing practice, **6:28**

CONFLICT OF LAWS

Generally, **9:1 to 9:5**

In-state injuries, **9:4**

Nature of conflicts, **9:1**

Out-of-state injuries, **9:3**

Successive awards in different states, **9:5**

Temporary employment assignments, **9:3, 9:4**

CONSENT OR APPROVAL

Distribution of fund, actions against third parties, **10:6**

CONSENT OR APPROVAL—Cont'd

Lump sum payments and compromise settlements, **6:50, 6:52**

Medical benefits, **5:74**

CONSIDERATION

Veterans, Medicaid or state rehabilitation benefits, **6:51**

CONSOLIDATION OF CLAIMS

Controverting claims, **6:17**

CONSORTIUM, LOSS OF

Generally, **1:3**

CONSTITUTIONAL LAW

Generally, **1:3**

Judicial review, **8:13**

CONSTRUCTION OF STATUTES

Generally, **1:6**

CONTACT DERMATITIS

Arising out of and in course of employment, **4:14**

CONTEMPT

Hearings on the merits, **6:36**

Prehearing practice, failure to obey subpoena, **6:31**

CONTINGENT FEES

Attorneys, **6:9**

CONTINUANCES

Hearings on the merits, **6:32**

CONTROL, RIGHT OF

Independent contractors, **2:23 to 2:26**

CONTROVERTING CLAIMS

Generally, **6:11 to 6:18**

Affirmative defenses, answer to petition to controvert, **6:15**

Amendment of pleadings, **6:18**

Answer to petition to controvert, **6:15**

Consolidation of claims, **6:17**

Filing of claim against uninsured employer, **6:13**

Filing of pleadings and other documents, **6:16**

Notice of controversion, **6:14**

Petition to controvert, **6:12**

Uninsured employer, filing of workers' compensation claim against, **6:13**

Waiver of affirmative defenses, **6:15**

INDEX

CORROBORATION OF EVIDENCE

Hearings, **6:34**

COSTS

Third parties, actions against, **10:7**

COUNSEL

Generally, **6:8 to 6:10**

For detailed treatment see index heading
ATTORNEYS AND ATTORNEYS' FEES

COURT OF APPEALS

Judicial review, **8:7**

COVERAGE

Generally, **2:1 to 2:27**

Agricultural exemptions, **2:3**

Aliens as employees, **2:13**

Business and nonbusiness employers, **2:2**

Business owners as employees, **2:10**

Casual employment, **2:8**

Changes in coverage, **1:9**

Corporate officers as employees, **2:4,**
2:12

Domestic exemptions, employers, **2:3**

Elections, **2:5, 2:7**

Employees

generally, **2:8 to 2:13**

aliens, **2:13**

business owners, **2:10**

contract of hire, **2:9**

corporate officers, **2:12**

estoppel to deny coverage, **2:10**

minors, **2:13**

partners, **2:11**

Employers

generally, **2:1 to 2:7**

agricultural exemptions, **2:3**

business and nonbusiness, **2:2**

domestic exemptions, **2:3**

election of coverage by exempt
employer, **2:7**

“five or more workmen or operatives,”
2:1, 2:4

nonprofit exemptions, **2:3**

public agencies, **2:2**

small business exemption, **2:5**

timber purchasers, **2:6**

Estoppel to deny coverage, **2:10**

“Five or more workmen or operatives,”
2:1, 2:4

COVERAGE—Cont'd

Independent contractors

generally, **2:23 to 2:27**

for detailed treatment see index head-
ing INDEPENDENT CONTRACTORS

Limited liability company owners as
employees, **2:4**

Minors as employees, **2:13**

Newspaper deliverers as employees, **2:8**

Nonprofit exemptions, employers, **2:3**

Partners as employees, **2:4, 2:11**

Public agencies as employees, **2:2**

Self-insurance, **2:14**

Small business exemption, employers, **2:5**

Students as employees, **2:8**

Subcontractors

generally, **2:15 to 2:22**

for detailed treatment see index head-
ing SUBCONTRACTORS

Timber purchasers, employers, **2:6**

Waiver of benefits invalid, **2:1**

CREDITORS

Exemption of benefits from creditors,
6:59

CREDITS

Generally, **5:61 to 5:67**

For detailed treatment see index heading
DISABILITY AND BENEFITS

CRIMINAL PENALTIES

Requirement of insuring liability for
benefits, **1:5**

CROSS-EXAMINATION

Hearings, **6:33**

DAMAGES

Exclusive remedy, bad faith providing
benefits, **11:30**

Judicial review. . See index heading
JUDICIAL REVIEW

DEATH AND DEATH BENEFITS

Generally, **5:80 to 5:88**

Adopted children, **5:83, 5:86**

Amount of benefits, **5:88**

Brothers as dependents, **5:85**

Categories of dependents, **5:81 to 5:86**

Child as dependent, **5:83**

Funeral benefits, **5:88**

Grandchild as dependent, **5:84**

Grandparents as dependents, **5:86**

DEATH AND DEATH BENEFITS

—Cont'd

- Half brothers and sisters as dependents, **5:85**
- Illegitimate child as dependent, **5:83**
- Interest on benefits, **6:42**
- Parents as dependents, **5:86**
- Posthumous child as dependent, **5:83**
- Presumptions
 - connection of employment to injurious activity, **4:9**
 - dependency, **5:87**
- Sisters as dependents, **5:85**
- Spouse as dependent, **5:82**
- Stepchild as dependent, **5:83**
- Stepparents as dependents, **5:86**
- Two-year statute of limitations, **7:4**

DECLARATORY OPINIONS

- Mississippi Workers' Compensation Commission, **6:3**

DEFAULT

- Enforcement of award upon default, **6:58**

DEGENERATIVE EFFECTS

- Apportionment for preexisting disease, **5:57**

DEVIATION

- Traveling employees, **4:28**

DISABILITY AND BENEFITS

- Generally, **5:1 to 5:88**
- Advance payments, credits to reduce obligation for benefits, **5:62, 5:65**
- Allergy cases, reasonable efforts to obtain other employment, **5:30**
- Amount of benefits. See "Dollar level of benefits" under this index heading
- Apportionment for preexisting disease
 - generally, **5:55 to 5:60**
 - circumstances that trigger apportionment, **5:57**
 - computation of benefits, **5:60**
 - credits to reduce obligation for benefits, **5:62**
 - date of reduction, **5:56**
 - elements of apportionment, **5:59**
 - heart attacks, **4:10, 5:58**
 - permanent partial disability and benefits, computation of benefits, **5:60**

DISABILITY AND BENEFITS—Cont'd

- Assignment of right to benefits, credits to reduce obligation for benefits, **5:63**
- Asymptomatic degenerative conditions, apportionment for preexisting disease, **5:57**
- Attachment of benefits by creditors, **5:63**
- Average weekly wages, **5:5**
- Binding tie of disability and benefits, **5:1 to 5:3**
- Burden of proof regarding loss of earning capacity, **5:2**
- Collateral sources, payments from, **5:63**
- Credits to reduce obligation for benefits
 - generally, **5:61 to 5:67**
 - advance payments, **5:62, 5:65**
 - apportionment for preexisting disease, **5:62**
 - assignment or release of right to benefits, **5:63**
 - collateral sources, payments from, **5:63**
 - insured employer, payments by, **5:65**
 - levy or attachment of benefits by creditors, **5:63**
 - limitation on amount of credit, **5:67**
 - other insurance, **5:66**
 - protection of right to statutory benefits, **5:63**
 - reopening, reduction by decision on, **5:62**
 - sick pay, **5:66**
 - statutory credits, **5:62**
 - uninsured employer, payments by, **5:64**
 - vacation pay, **5:66**
 - wages, **5:65, 5:66**
 - waiver of right to benefits, **5:63, 5:65**
- Death benefits
 - generally, **5:80 to 5:88**
 - for detailed treatment see index heading DEATH AND DEATH BENEFITS
- Definition of "disability"
 - generally, **5:12 to 5:16**
 - impairment, **5:15**
 - medical evidence of connection between impairment and work, **5:16**
 - use, loss of, **5:14**
 - wages, effect on, **5:13**
- Degenerative effects, apportionment for preexisting disease, **5:57**

INDEX

DISABILITY AND BENEFITS—Cont'd

- Disfigurement, permanent partial disability and benefits for scheduled member injury, **5:41**
- Dollar level of benefits
 - generally, **5:4 to 5:11**
 - average weekly wages, **5:5**
 - computations, **5:6**
 - number of weeks for benefits, maximum, **5:8**
 - overall maximum benefits, **5:6, 5:9**
 - waiting period for benefits, **5:11**
 - weekly maximum benefits, **5:6, 5:7**
 - weekly minimum benefits, **5:10**
- Duration of benefits, **5:3, 5:8**
- Earning capacity, loss of, **5:2**
- Eyes, permanent partial disability and benefits for scheduled member injury, **5:41**
- Facial disfigurement, permanent partial disability and benefits for scheduled member injury, **5:41**
- Fringe benefits, value of, **5:5**
- Head disfigurement, permanent partial disability and benefits for scheduled member injury, **5:41**
- Hearing loss, permanent partial disability and benefits for scheduled member injury, **5:41**
- Heart attacks, apportionment for preexisting disease, **4:10, 5:58**
- Hernia claims, **4:12**
- Length of payment of benefits, **5:3**
- Levy on benefits by creditors, **5:63**
- Loss of earning capacity, **5:2, 5:48**
- Medical benefits
 - generally, **5:68 to 5:78**
 - for detailed treatment see index heading MEDICAL BENEFITS
- Medical evidence, **5:16, 5:59**
- Multiple injuries, **5:54**
- No-fault payment, **5:2**
- Number of weeks for benefits, maximum, **5:8**
- Odd lot doctrine, **5:32**
- One-year statute of limitations, **7:16**
- Other insurance, credits to reduce obligation for benefits, **5:66**
- Partial loss of use of scheduled member generally, **5:43 to 5:53**
 - computation of benefits, **5:53**

DISABILITY AND BENEFITS—Cont'd

- Partial loss of use of scheduled member—Cont'd
 - efforts to obtain other employment, **5:46**
 - loss of earning capacity vs. loss of use, **5:48**
 - occupational effect, loss of use greater than, **5:50, 5:51**
 - occupational effect greater than loss of use, **5:52**
 - substantial acts of usual employment, **5:45, 5:47, 5:49**
 - test for loss of use, **5:45**
 - total loss of use, **5:44**
 - two scheduled members, permanent total disability due to loss of, **5:49**
 - uncertainty of “usual employment,” **5:47**
- Part-time workers, permanent total disability, **5:35**
- Permanent partial disability and benefits
 - generally, **5:17 to 5:30**
 - apportionment for preexisting disease, computation of benefits, **5:60**
 - conclusion of law, end of disability or continuation as, **5:22, 5:25**
 - duration of benefits, **5:3**
 - high loss of wage-earning capacity, **5:18**
 - inability to earn, **5:25, 5:28, 5:29**
 - increase in wage levels, **5:20**
 - lower loss of wage-earning capacity, **5:18**
 - presumption of no loss where rehired at same wage, **5:21**
 - prima facie disability, refusal to rehire as, **5:26, 5:27**
 - protected employment, earnings from, **5:20**
 - Rathborne rule and corollary, **5:23, 5:24, 5:27**
 - reasonable efforts to obtain other employment, **5:30**
 - refusal to rehire, legal effect of, **5:26**
 - rehired at same wage, **5:21**
 - return to work, **5:23**
 - statutory formula, **5:18**
 - unavailability of work, **5:24, 5:28 to 5:30**
 - wage earning capacity thereafter, **5:19**

DISABILITY AND BENEFITS—Cont'd

Permanent partial disability and benefits for scheduled member injury generally, **5:36 to 5:42**
 apportionment for preexisting disease, computation of benefits, **5:60**
 computation of benefits, **5:42**
 disfigurement, **5:41**
 duration of benefits, **5:3**
 eyes, **5:41**
 hearing, **5:41**
 loss-of-use test, **5:38**
 statutory definitions of disability, **5:39, 5:40**
 two scheduled members, loss of, **5:37**
 Permanent total disability generally, **5:31 to 5:35**
 apportionment for preexisting disease, computation of benefits, **5:60**
 computation of benefits, **5:35**
 duration of benefits, **5:3**
 injury to body as whole, **5:32**
 injury to scheduled member, **5:34**
 two scheduled members, loss of, **5:33**
 Preexisting disease. See "Apportionment for preexisting disease" under this index heading
 Prima facie disability, refusal to rehire as, **5:26, 5:27**
 Refusal to rehire, permanent partial disability and benefits, **5:26**
 Rehabilitation, **5:1, 5:89**
 Release of right to benefits, credits to reduce obligation for benefits, **5:63**
 Reopening, reduction by decision on, **5:62**
 Sick pay, credits to reduce obligation for benefits, **5:66**
 Substantial acts of usual employment, partial loss of use of scheduled member, **5:45, 5:47, 5:49**
 Successive injuries, **5:54**
 Summary of benefits and disability category, **5:3**
 Temporary partial disability, duration of benefits, **5:3**
 Temporary total disability, duration of benefits, **5:3**
 Two scheduled members, loss of, **5:2, 5:14, 5:33, 5:37, 5:49**

DISABILITY AND BENEFITS—Cont'd

Unavailability of work, permanent partial disability and benefits, **5:24, 5:28 to 5:30**
 Use, loss of, **5:14**
 Vacation pay, credits to reduce obligation for benefits, **5:66**
 Voluntary payment, **5:2**
 Wages, credits to reduce obligation for benefits, **5:66**
 Waiting period for benefits, **5:11**
 Waiver of right to benefits, **5:63, 5:65**

DISCOVERY

Generally, **6:7**
 Mississippi Workers' Compensation Commission, **6:4**
 Prehearing practice, **6:21, 6:22, 6:26**

DISCOVERY RULE

Two-year statute of limitations, **7:7, 7:13**

DISFIGUREMENT

Permanent partial disability and benefits for scheduled member injury, **5:41**

DOLLAR LEVEL OF BENEFITS

Generally, **5:4 to 5:11**
 For detailed treatment see index heading
 DISABILITY AND BENEFITS

DOMESTIC SERVANTS

Covered employers, **2:3**

DRUG USE AND DRUG TESTING

Misconduct by employees, **4:38, 4:40**

DUAL CAPACITY OF EMPLOYER

Exclusive remedy, actions against insured actual employers, **11:7**

DUAL EMPLOYEES

Exclusive remedy, **11:28**

DUAL-PURPOSE TRIPS

Traveling employees, **4:29**

DUE PROCESS

Generally, **1:3**

EARWIGGING

Mississippi Workers' Compensation Commission, **6:5**

ELECTION OF REMEDY

Generally, **11:4**

INDEX

ELECTIONS

Coverage, **2:5, 2:7**

ELECTIVE HOSPITALIZATION OR SURGERY

Medical benefits, prior authorization, **5:75**

ENGLISH LANGUAGE

Lump sum payments and compromise settlements, workers having limited proficiency in English language, **6:57**

ENTERPRISE IMMUNITY

Exclusive remedy, other employers and agents at same worksite, **11:27**

EQUAL PROTECTION

Generally, **1:3**

ESTOPPEL

See index heading **WAIVER OR ESTOPPEL**

EVIDENCE

Hearings on the merits, **6:34, 6:35**

Medical evidence. See index heading **MEDICAL EVIDENCE**

Presumptions and burden of proof. See index heading **PRESUMPTIONS AND BURDEN OF PROOF**

Substantial evidence, standard of review, **8:10**

EXCLUSIVE REMEDY

Generally, **11:1 to 11:31**

Arguable reason, bad faith providing benefits, **11:30**

Bad faith. See “Good faith” under this index heading

Board of directors of insured employer, actions against individuals in same employ, **11:18**

Coemployee of insured employer, actions against individuals in same employ, **11:17**

Damages, bad faith providing benefits, **11:30**

Dual capacity of employer, actions against insured actual employers, **11:7**

Dual employees, **11:28**

Enterprise immunity, other employers and agents at same worksite, **11:27**

Exhaustion of remedies, bad faith providing benefits, **11:30**

EXCLUSIVE REMEDY—Cont’d

General contractor as statutory employer, **11:21, 11:22**

Good faith

coemployee of insured employer, injury caused by, **11:17**

provision of benefits, **11:30, 11:31**

Government employees, **11:1**

Gross negligence, actions against insured actual employers, **11:6**

Independent contractor, actual employer as, **11:23 to 11:26**

Individuals in same employ, actions against

generally, **11:17 to 11:19**

coemployee of insured employer, **11:17**
manager, governing board of insured employer, **11:18**

uninsured employ, individuals in, **11:19**

Insurance carriers, actions against, **11:29**

Insured actual employers, actions against generally, **11:5 to 11:19**

compensability of injuries from intentional acts, **11:10**

dual capacity of employer, **11:7**

gross negligence, **11:6**

intentional injuries, generally, **11:8 et seq.**

negligence, **11:5**

rationale for intentional injury exception, **11:13**

same employ, intentional actor in, **11:11**

same employ, intentional actor not in, **11:12**

scope of intentional injury exception, **11:13 to 11:16**

substantial certainty of harm, **11:16**

Intentional injuries. See “Insured actual employers, actions against” under this index heading

Judicial extension of tort immunity, **11:3**

Leased employees, **11:28**

Loaned employees, **11:28**

Manager of insured employer, actions against individuals in same employ, **11:18**

Medical care, dual capacity of employer, **11:7**

Officer of insured employer, actions against individuals in same employ, **11:18**

EXCLUSIVE REMEDY—Cont'd

Punitive damages, bad faith providing benefits, **11:30**
 Recklessness, actions against insured actual employers, **11:6, 11:16**
 Remote insured employers and agents, actions against
 generally, **11:20 to 11:28**
 enterprise immunity, other employers and agents at same worksite, **11:27**
 general contractor as statutory employer, **11:21, 11:22**
 hypothetical coverage obligation vs. right of control, actual employer as independent contractor, **11:25**
 independent contractor, actual employer as, **11:23 to 11:26**
 loaned, leased or dual employee, **11:28**
 other employers and agents at same worksite, **11:27**
 relative nature of work doctrine, actual employer as independent contractor, **11:26**
 statutory surety for actual employer, **11:21, 11:22**
 subcontracting, **11:21, 11:22**
 Statutory bar of tort claims, **11:1**
 Statutory rule of immunity and its limits, **11:2**
 Subcontracting, **2:22, 11:21, 11:22**
 Substantial certainty of harm, actions against insured actual employers, **11:16**
 Uninsured actual employers, actions against, **11:4**

EXECUTION ON BENEFITS

Generally, **6:59**

EXHAUSTION OF REMEDIES

Exclusive remedy, bad faith providing benefits, **11:30**

EXHIBITS

Hearings, **6:33**

EX PARTE COMMUNICATIONS

Medical providers, **6:7**

EXPENSES

Third parties, actions against, **10:7**

EXPERT OPINIONS

Medical evidence of connection of employment to injurious activity, **4:20**

EYES

Permanent partial disability and benefits for scheduled member injury, **5:41**

FACIAL DISFIGUREMENT

Permanent partial disability and benefits for scheduled member injury, **5:41**

FAINTING

Arising out of and in course of employment, **4:15**

FARMING

Coverage, exemptions, **2:3**

FORM B-31

One-year statute of limitations, **7:2, 7:14 et seq.**

“FOUND DEAD”

Presumption of arising out of and in course of employment, **4:9**

FRAUD OR MISREPRESENTATION

Arising out of and in course of employment, fraudulent procurement of employment, **4:37**
 Two-year statute of limitations, estoppel, **7:5**

FRINGE BENEFITS

Disability and benefits, **5:5**

FUMES

Arising out of and in course of employment, exposure to fumes, **4:14**

FUNERAL BENEFITS

Generally, **5:88**

GOOD FAITH

Exclusive remedy. See index heading

EXCLUSIVE REMEDY

One-year statute of limitations, belief that obligation has ended, **7:23**

GOOD SAMARITAN ACTS

Traveling employees, **4:28**

GOVERNMENT EMPLOYEES

Exclusive remedy, **11:1**

GRADUALLY DEVELOPING AILMENTS

Accidental injury and occupational disease, **3:2**

Two-year statute of limitations, benefits not paid before claim, **7:7**

INDEX

GRANDCHILDREN

Death benefits, **5:84**

GRANDPARENTS

Death benefits, **5:86**

GROSS NEGLIGENCE

Exclusive remedy, actions against insured actual employers, **11:6**

HALF BROTHERS AND SISTERS

Death benefits, **5:85**

HEAD DISFIGUREMENT

Permanent partial disability and benefits for scheduled member injury, **5:41**

HEARING LOSS

Permanent partial disability and benefits for scheduled member injury, **5:41**

HEARINGS

Generally, **6:32 to 6:36**

Burden of proof, **6:35**

Circumstantial evidence, **6:34**

Contempt, **6:36**

Continuances, **6:32**

Corroboration of evidence, **6:34**

Cross-examination of witnesses, **6:33**

Evidence, **6:34, 6:35**

Examination of witnesses, **6:33**

Exhibits, **6:33**

Hearsay evidence, **6:34**

Illnesses, continuances, **6:32**

Mississippi Workers' Compensation Commission, rule-making authority, **6:2**

Notice, **6:33**

Oaths and affirmations, **6:33**

Prehearing practice

generally, **6:19 to 6:31**

for detailed treatment see index heading **PREHEARING PRACTICE**

Presumptions and burden of proof, **6:35**

Procedure, **6:33**

Relaxed procedure, **6:33**

Sanctions, contempt, **6:36**

Sequestration of witnesses, **6:33**

Venue, **6:33**

HEARSAY EVIDENCE

Hearings, **6:34**

HEART ATTACKS

Apportionment of benefits for preexisting disease, **4:10, 5:58**

Arising out of and in course of employment, **4:9, 4:10, 5:58**

HERNIAS

Arising out of and in course of employment, **4:12**

Disability and benefits, **4:12**

“HIRE-THE-HANDICAPPED” STATUTE

Second-injury fund, **6:40**

HOME, WORKING AT

Traveling employees, **4:30**

HOME HEALTH CARE

Medical benefits, **5:71**

HORSEPLAY

Arising out of and in course of employment, **4:36**

HUSBAND AND WIFE

See index heading **SPOUSES**

IDIOPATHIC FALLS

Arising out of and in course of employment, **4:15**

ILLEGITIMATE CHILDREN

Death benefits, **5:83**

IMPORTED DANGERS

Arising out of and in course of employment, **4:6**

INCOMPETENT PERSONS

Lump sum payments and compromise settlements, **6:53, 6:56**

INDEMNIFICATION

Third parties, actions against, **10:8**

INDEPENDENT CONTRACTORS

Generally, **2:23 to 2:27**

Control, right of, **2:23 to 2:26**

Exclusive remedy, **11:23 to 11:26**

Other states, coverage in, **2:27**

Policy, **2:24**

“Regular and recurring” loophole, **2:27**

“Relative-nature-of-work” doctrine, **2:25, 2:26**

Subcontracting coverage trumps independent contractor exclusion, **2:20**

INDEPENDENT CONTRACTORS

—Cont'd

Tort law does not control, **2:24**

INDEPENDENT INTERVENING CAUSE

Aggravation of injury, arising out of and in course of employment, **4:24**

INFANTS

See index heading CHILDREN AND MINORS

INFECTIONS

Arising out of and in course of employment, **4:24**

INSURANCE

Adjust rights of insurers, **2:6**

Contractor owes premium on uninsured subcontractors, **2:17**

Covered employees, **2:5, 2:8, 2:10, 2:14, 2:20**

Exclusive remedy, **11:4, 11:21, 11:29, 11:31**

Exemptions, **2:5, 2:8**

Other insurance, **5:63, 5:64, 5:66, 5:79**

Requirement of insuring liability for benefits, generally, **1:5**

Subcontractor's insurance principally liable, **2:17, 11:3, 11:21**

INTENTIONAL ACTS

Accidental injury and occupational disease, **3:2 to 3:5**

Exclusive remedy. See index heading EXCLUSIVE REMEDY

Misconduct by employees, self-injury, **4:39**

INTEREST ON BENEFITS

Generally, **6:41 to 6:43**

Disability and death benefits, **6:42**

Medical benefits, **6:43**

INTERLOCUTORY ORDERS

Judicial review, **8:8**

INTERPRETERS

Lump sum payments and compromise settlements, workers having limited proficiency in English language, **6:57**

INTERVENTION

Third parties, actions against, **10:2**

INTOXICATION

Misconduct by employees, **4:38**

JUDICIAL REVIEW

Generally, **8:1 to 8:15**

Arbitrary or capricious standard of review, **8:11**

Beyond power of commission, standard of review, **8:12**

Bond, supersedeas, **8:5**

Briefs, **8:6**

Certiorari, review by Supreme Court, **8:7**

Circuit court, review in, **8:1, 8:4**

Circuit court, review of decision of, **8:6**

Conclusion of law, **8:13**

Constitutional right, violation of, **8:13**

Court of appeals, rehearing and review of decision of, **8:7**

Cross-appeal, **8:8**

Damages. See "Statutory damages" under this index heading

Deference to order of commission, **8:2, 8:10, 8:11, 8:13**

Interlocutory orders of commission, review of, **8:8**

Notice of review, **8:4, 8:6**

Orders of administrative judges, **6:38**

Pending in court, commission may not proceed while review is, **8:3**

Procedure for taking appeal in supreme court, generally, **8:4**

Record of case, transmission of, **8:4**

Standard of review

generally, **8:9 to 8:13**

arbitrary or capricious, **8:11**

beyond power of commission, **8:12**

statutory or constitutional right, violation of, **8:13**

substantial evidence, **8:10**

Statutory damages

generally, **8:14, 8:15**

prospective application, **8:15**

repeal of statute, **8:14**

Statutory right, violation of, **8:13**

Substantial evidence, standard of review, **8:10**

Supersedeas, **8:5**

Waiver of issues, **8:4**

JURY TRIAL

Generally, **1:3**

INDEX

LATENT INJURY

Generally, **1:10**

LAWYERS

Generally, **6:8 to 6:10**

For detailed treatment see index heading
ATTORNEYS AND ATTORNEYS' FEES

LEASED EMPLOYEES

Exclusive remedy, **11:28**

LEVY ON BENEFITS

Generally, **5:63, 6:59**

LIENS

Attorneys' fees, **6:9, 6:59**

LIMITATION OF ACTIONS

Generally, **7:1 to 7:27**

For detailed treatment see index heading
STATUTES OF LIMITATION

LIMITED LIABILITY COMPANY

Covered employees, **2:4, 2:11, 2:12**

LOANED EMPLOYEES

Exclusive remedy, **11:28**

LUMP SUM PAYMENTS AND COMPROMISE SETTLEMENTS

Generally, **6:49 to 6:57**

Approval of settlement, **6:50, 6:52**

Best interests of claimant, **6:49**

Consideration for veterans, Medicaid or
state rehabilitation benefits, **6:51**

English language, workers having limited
proficiency in, **6:57**

Interview of claimant, **6:50**

Legal disability or incapacity, settlement
of claims of persons under, **6:53 to
6:56**

Medicaid benefits, consideration for, **6:51**

Minor claimants, **6:53, 6:54**

One-year statute of limitations, claim
within one year after payment, **7:21**

Penalties, avoidance of payment of
benefits, **6:58**

Rehabilitation benefits, consideration for,
6:51

Settlement of claims of those under legal
disability, Incapacity

Claimant is a minor, 18 age of majority
for settling claims, **6:55**

Third party claims and settlements, **6:52**

Veterans benefits, consideration for, **6:51**

MAXIMUM MEDICAL IMPROVEMENT

Medical benefits, **5:78**

MEALS

Traveling employees, **4:27**

MEDIATION

Prehearing practice, **6:29**

MEDICAID BENEFITS

Lump sum payments and compromise
settlements, **6:51**

MEDICAL BENEFITS

Generally, **5:68 to 5:78**

Approval of physician by employer or
insurer, **5:74**

Choice of physician, **5:74**

Covered medical services and supplies,
5:71

Elective hospitalization or surgery, prior
authorization, **5:75**

Evaluation by commission, independent,
5:77

Evaluation by employer, **5:76**

Fee schedule, **5:69, 6:6**

Home health care, **5:71**

Interest on benefits, **6:43**

Location of medical provider, **5:72**

Maximum medical improvement, **5:78**

Nursing care, **5:71**

One-year statute of limitations, **7:17**

Out-of-state providers, **5:72, 6:6**

Penalties, **6:47**

Prior authorization for treatment, **5:75**

Reasonable and necessary standard, **5:70**

Refusal to accept treatment, **5:78**

Reimbursement to other payers, **5:79**

Spouse, nursing duties provided by, **5:71**

Telemedicine, **5:73**

Two-year statute of limitations, **7:12**

MEDICAL CARE

Complications, arising out of and in
course of employment, **4:24**

Exclusive remedy, dual capacity of
employer, **11:7**

MEDICAL EVIDENCE

Arising out of and in course of employ-
ment, **4:20**

Disability and benefits, **5:16, 5:59**

**MEDICAL RECORDS AND
AFFIDAVITS**

Prehearing practice, **6:24**

**MENTAL TRAUMA AND MENTAL
INJURY**

Generally, **4:16 to 4:19**

For detailed treatment see index heading
ARISING OUT OF AND IN COURSE OF
EMPLOYMENT

MINORS

See index heading CHILDREN AND MINORS

MISCONDUCT BY EMPLOYEES

Generally, **4:37 to 4:40**

Drug use and drug testing, **4:38, 4:40**

Intentional self-injury, **4:39**

Intoxication as cause of injury, **4:38**

Suicide, **4:39**

MISREPRESENTATION

See index heading FRAUD OR MISREPRESENTATION

**MISSISSIPPI WORKERS'
COMPENSATION COMMISSION**

Generally, **6:1 to 6:5**

Administrative Procedures Law, **6:2, 6:3**

Declaratory opinions, **6:3**

Discovery, **6:4**

Earwigging, **6:5**

Hearings, rule-making authority, **6:2**

Members of commission, **6:1**

Relaxed rather than formal procedure, **6:4**

Rule-making authority, **6:2**

MIXED RISKS

Arising out of and in course of employment, **4:7**

**MOTION PRACTICE AND MOTION
DAYS**

Generally, **6:20**

MULTIPLE INJURIES

Disability and benefits, **5:54**

NATURE, ACTS OF

Arising out of and in course of employment, **4:5**

NEUTRAL RISK

Arising out of and in course of employment, **4:5**

NEWSPAPER DELIVERERS

Covered employees, **2:8**

NO-FAULT PAYMENT

Disability and benefits, **5:2**

NONPROFIT ORGANIZATIONS

Covered employers, **2:3**

NOTICE

Controverting claims, **6:14**

Hearings, **6:33**

Judicial review, **8:4, 8:6**

One-year statute of limitations, **7:23**

Third parties, actions against, **10:2**

Thirty-day notice, **7:1**

NURSING CARE

Medical benefits, **5:71**

OATHS

Hearings, **6:33**

OBJECTIONS

Prehearing practice, medical records and affidavits, **6:24**

ODD LOT DOCTRINE

Disability and benefits, **5:32**

OFFICERS OF INSURED EMPLOYER

Covered employees, **2:4, 2:12**

Exclusive remedy, actions against individuals in same employ, **11:18**

ON CALL EMPLOYEES

Arising out of and in course of employment, **4:25**

**ONE-YEAR STATUTE OF
LIMITATIONS**

Generally, **7:14 to 7:27**

Amendments, Form B-31, **7:23**

Change in conditions, **7:22**

Claim within one year stops running of statute, **7:24**

Commencement of running of statute, **7:18 et seq.**

Compromise in exceptional case, claim within one year after, **7:22**

Continuing need for medical services, **7:27**

Disability benefits, bar to, **7:16**

Effective date, Form B-31, **7:23**

Form B-31, **7:2, 7:14 et seq., 7:23**

ONE-YEAR STATUTE OF

LIMITATIONS—Cont'd

- Good faith belief that obligation has ended, **7:23**
- Inaccuracies, Form B-31, **7:23**
- Last payment and filing of B-31, one year after, **7:20**
- Late filing, Form B-31, **7:23**
- Lump sum payment, claim within one year after, **7:21**
- Medical benefits, bar to, **7:17**
- Medical services, obtaining within one year period, **7:26**
- Minor inaccuracies and amendments, Form B-31, **7:23**
- Notice to parties and minors, Form B-31, **7:23**
- Payment of benefits within one year stops running of statute, **7:25**
- Principles and effects, **7:15**
- Rejection of claim, one year after, **7:19**
- Running of one year, **7:15 to 7:17**
- Signature of claimant, Form B-31, **7:23**
- Two-year statute, interaction with, **7:2**

ORDERS OF ADMINISTRATIVE JUDGES

- Generally, **6:37 to 6:39**
- Record for review of administrative judge decisions, **6:38**
- Rehearing or reconsideration, **6:39**
- Review of administrative judge decisions, **6:38**

PARENTS

- Death benefits, **5:86**

PARTIAL LOSS OF USE OF SCHEDULED MEMBER

- Generally, **5:43 to 5:53**
- For detailed treatment see index heading
DISABILITY AND BENEFITS

PARTNERS

- Covered employees, **2:4, 2:11**

PART-TIME WORKERS

- Permanent total disability, **5:35**

PENALTIES

- Generally, **6:44 to 6:48**
- Benefits due after award, twenty percent penalty, **6:46**

PENALTIES—Cont'd

- Benefits due without award, ten percent penalty, **6:45**
- Failure to report injury, **6:48**
- Hearings, contempt, **6:36**
- Lump sum payments and compromise settlements, **6:58**
- Medical benefits, **6:47**
- Requirement of insuring liability for benefits, **1:5**
- Ten percent penalty, **6:45**
- Twenty percent penalty, **6:46**

PERMANENT PARTIAL DISABILITY AND BENEFITS

- Generally, **5:17 to 5:30**
- For detailed treatment see index heading
DISABILITY AND BENEFITS

PERMANENT PARTIAL DISABILITY AND BENEFITS FOR SCHEDULED MEMBER INJURY

- Generally, **5:36 to 5:42**
- For detailed treatment see index heading
DISABILITY AND BENEFITS

PERMANENT TOTAL DISABILITY

- Generally, **5:31 to 5:35**
- For detailed treatment see index heading
DISABILITY AND BENEFITS

PERSONAL NEEDS

- Arising out of and in course of employment, **4:34**

PERSONAL RISK

- Arising out of and in course of employment, **4:6, 4:7**

PETITIONS

- Controverting claims, **6:12**

POSITIONAL RISK DOCTRINE

- Acts of nature, arising out of and in course of employment, **4:5**

POSTHUMOUS CHILDREN

- Death benefits, **5:83**

PRACTICE AND PROCEDURE

- Generally, **6:1 to 6:59**
- Attachment of benefits, **6:59**
- Attorneys
generally, **6:8 to 6:10**

PRACTICE AND PROCEDURE

—Cont'd

- Attorneys—Cont'd
 - for detailed treatment see index heading ATTORNEYS
- Compromise settlements
 - generally, **6:49 to 6:57**
 - for detailed treatment see index heading LUMP SUM PAYMENTS AND COMPROMISE SETTLEMENTS
- Controverting claims
 - generally, **6:11 to 6:18**
 - for detailed treatment see index heading CONTROVERTING CLAIMS
- Creditors, exemption of benefits from, **6:59**
- Default, enforcement of award upon, **6:58**
- Discovery, **6:7**
- Enforcement of award upon default, **6:58**
- Execution on benefits, **6:59**
- Exemption of benefits from creditors, exceptions to rule, **6:59**
- Ex parte communication with medical providers, **6:7**
- Hearings
 - generally, **6:32 to 6:36**
 - for detailed treatment see index heading HEARINGS
- “Hire-the-handicapped” statute, second-injury fund, **6:40**
- Interest on benefits
 - generally, **6:41 to 6:43**
 - for detailed treatment see index heading INTEREST ON BENEFITS
- Judicial review. See index heading JUDICIAL REVIEW
- Levy on benefits, **6:59**
- Lump sum payments and compromise settlements
 - generally, **6:49 to 6:57**
 - for detailed treatment see index heading LUMP SUM PAYMENTS AND COMPROMISE SETTLEMENTS
- Medical fee schedule, **6:6**
- Merits, hearings on
 - generally, **6:32 to 6:36**
 - for detailed treatment see index heading HEARINGS
- Mississippi Workers' Compensation Commission
 - generally, **6:1 to 6:5**

PRACTICE AND PROCEDURE

—Cont'd

- Mississippi Workers' Compensation Commission—Cont'd
 - for detailed treatment see index heading MISSISSIPPI WORKERS' COMPENSATION COMMISSION
- Orders of administrative judges
 - generally, **6:37 to 6:39**
 - for detailed treatment see index heading ORDERS OF ADMINISTRATIVE JUDGES
- Penalties
 - generally, **6:44 to 6:48**
 - for detailed treatment see index heading PENALTIES
- Prehearing practice
 - generally, **6:19 to 6:31**
 - for detailed treatment see index heading PREHEARING PRACTICE
- Second-injury fund, **6:40**
- Waiver of right to compensation, **6:59**

PREHEARING PRACTICE

- Generally, **6:19 to 6:31**
- Administrative expense fund, **6:25**
- Assignment of claim to administrative judge, **6:19**
- Conferences, **6:28**
- Contempt, failure to obey subpoena, **6:31**
- Discovery period, **6:21, 6:22, 6:26**
- Dismissal for failure to set claim for hearing, **6:27**
- Emergency hearing of motion, **6:20**
- Failure to respond to status inquiry letter, **6:23**
- Mediation, **6:29**
- Medical records and affidavits, **6:24**
- Motion practice and motion days, **6:20**
- Objections to medical records and affidavits, **6:24**
- Prehearing statements, **6:26**
- Removal of claim from discovery period, **6:22**
- Reopening of case, motion, **6:20**
- Setting claim for hearing, **6:27**
- Settlement conferences, **6:28**
- Status inquiry letter, **6:23**
- Subpoenas, **6:31**
- Summary judgment, **6:30**
- Telephone, hearing of motion by, **6:20**
- Telephone conferences, **6:28**

INDEX

PRESUMPTIONS AND BURDEN OF PROOF

- Death and death benefits. . See index heading **DEATH AND DEATH BENEFITS**
- Hearings, **6:35**
- Loss of earning capacity, **5:2**

PRINCIPLES

- Generally, **1:1 to 1:10**
- For detailed treatment see index heading **PURPOSES AND PRINCIPLES**

PUBLIC AGENCIES

- Covered employers, **2:2**

PUNITIVE DAMAGES

- Exclusive remedy, bad faith providing benefits, **11:30**

PURPOSES AND PRINCIPLES

- Generally, **1:1 to 1:10**
- Basic benefits, **1:4**
- Changes to statutes, **1:8 to 1:10**
- Constitutionality, **1:3**
- Construction of statutes, **1:6**
- Coverage, changes in, **1:9**
- Form of statute at compensable injury governs, **1:8 to 1:10**
- Level of benefits, changes in, **1:10**
- Liberal construction of statutes, **1:6**
- Mandatory nature of insurance, **1:5**
- No-fault benefits, **1:1**
- Requirement of insuring liability for benefits, **1:5**
- Resolution of doubt in favor of claimant, **1:6**
- Retaliatory discharge, **1:7**

QUANTUM MERUIT

- Attorneys' fees, **6:9**

REASONABLE AND NECESSARY STANDARD

- Medical benefits, **5:70**

RECKLESSNESS

- Exclusive remedy, actions against insured actual employers, **11:6, 11:16**

RECREATIONAL ACTIVITIES

- Arising out of and in course of employment, **4:35**

“REGULAR AND RECURRING” LOOPHOLE

- Independent contractors, **2:27**

REHABILITATION

- Disability and benefits, **5:1, 5:89**
- Lump sum payments and compromise settlements, **6:51**

REHEARING OR RECONSIDERATION

- Orders of administrative judges, **6:39**

REIMBURSEMENT OF EMPLOYER FROM FUND

- Generally, **10:3 to 10:8**
- For detailed treatment see index heading **THIRD PARTIES**

“RELATIVE-NATURE-OF-WORK” DOCTRINE

- Independent contractors, **2:25, 2:26**

RELEASE OF RIGHT TO BENEFITS

- Credits to reduce obligation for benefits, **5:63**

REOPENING

- Generally, **7:14 to 7:27**

REPETITIVE-MOTION INJURIES

- Arising out of and in course of employment, **4:13**

RESIDENT EMPLOYEES

- Arising out of and in course of employment, **4:25**

RESPIRATORY ILLNESSES

- Arising out of and in course of employment, **4:14**

RETALIATORY DISCHARGE

- Generally, **1:7**

SAFETY RULES

- Arising out of and in course of employment, **4:37**

SANCTIONS

- Generally, **6:44 to 6:48**
- For detailed treatment see index heading **PENALTIES**

SECOND-INJURY FUND

- Generally, **6:40**

SELF-INSURANCE

Generally, **2:14**

SEPARATION OF POWERS

Generally, **1:3**

SEQUESTRATION OF WITNESSES

Hearings, **6:33**

SETTLEMENT CONFERENCES

Prehearing practice, **6:28**

SICK PAY

Credits to reduce obligation for benefits, **5:66**

SIGNATURE OF CLAIMANT

One-year statute of limitations, **7:23**

SISTERS

Death benefits, **5:85**

SLIP AND FALL CASES

Arising out of and in course of employment, **4:15**

SMALL BUSINESSES

Covered employers, **2:5**

SOCIAL ACTIVITIES

Arising out of and in course of employment, **4:35**

SPECIAL TRAVEL HAZARDS

Coming from and going to work, **4:33**

SPOUSES

Death benefits, **5:82**

Medical benefits, nursing duties provided by spouse, **5:71**

Support of spouse, lien against benefits, **6:59**

STATUS INQUIRY LETTER

Generally, **6:23**

STATUTES OF LIMITATION

Generally, **7:1 to 7:27**

Knowledge of employer, thirty-day notice, **7:1**

One-year statute of limitations generally, **7:14 to 7:27**

for detailed treatment see index heading ONE-YEAR STATUTE OF LIMITATIONS

Thirty-day notice, **7:1**

Two-year statute of limitations generally, **7:3 to 7:13**

STATUTES OF LIMITATION—Cont'd

Two-year statute of limitations—Cont'd for detailed treatment see index heading TWO-YEAR STATUTE OF LIMITATIONS

STEPCHILDREN

Death benefits, **5:83**

STEPPARENTS

Death benefits, **5:86**

STROKES

Arising out of and in course of employment, **4:11**

STUDENTS

Covered employees, **2:8**

SUBCONTRACTORS

Generally, **2:15 to 2:22**

Defined, **2:18**

Exclusive remedy, **2:22, 11:21, 11:22**

Independent contractor exclusion trumped by coverage of subcontracting, **2:20**

Pattern of subcontracting, **2:17**

Prime contract, absence of, **2:20**

Statutory coverage, **2:16 to 2:20**

Vendees, **2:19**

SUBPOENAS

Prehearing practice, **6:31**

SUBROGATION

Third parties, actions against, **10:2**

SUBSTANTIAL CERTAINTY OF HARM

Exclusive remedy, actions against insured actual employers, **11:16**

SUBSTANTIAL EVIDENCE

Standard of review, judicial review, **8:10**

SUCCESSIVE AWARDS

Conflict of laws, successive awards in different states, **9:5**

SUCCESSIVE INJURIES

Disability and benefits, **5:54**

SUICIDE

Misconduct by employees, **4:39**

SUMMARY JUDGMENT

Generally, **6:30**

SUPERSEDEAS

Judicial review, **8:5**

INDEX

TELEMEDICINE

Medical benefits, **5:73**

TELEPHONES

Prehearing practice, **6:20, 6:28**

TEMPORARY ASSIGNMENTS

Conflict of laws, **9:3, 9:4**

TEMPORARY PARTIAL DISABILITY

Duration of benefits, **5:3**

TEMPORARY TOTAL DISABILITY

Duration of benefits, **5:3**

THIRD PARTIES

Actions against, generally, **10:1 to 10:9**

Apportionment of liability in action
against third party, **10:9**

Approval by court or commission of dis-
tribution of fund, **10:6**

Attorneys' fees as charges to fund, **10:7**

Costs of collection as charges to fund,
10:7

Credit on employer's future obligation to
pay, **10:4**

Distribution of fund, **10:6**

Indemnification of third party by
employer, **10:8**

Intervention by employer or insurance
carrier, **10:2**

Notice to employer or insurance carrier of
action, **10:2**

Participation in or filing of action by
insured employer, **10:2**

Payment of benefits by employer, **10:3,**
10:5

Reimbursement of employer from fund
generally, **10:3 to 10:8**
approval by court or commission of
distribution of fund, **10:6**
attorneys' fees as charges to fund, **10:7**
costs of collection as charges to fund,
10:7

credit on employer's future obligation
to pay, **10:4**

distribution of fund, **10:6**

indemnification of third party by
employer, **10:8**

payment of benefits by employer, **10:3,**
10:5

Settlement of action, **6:52**

Statutory recognition of action against
any other party, **10:1**

THIRD PARTIES—Cont'd

Subrogation of employer or insurance
carrier, **10:2**

Unconscionability, indemnification of
third party by employer, **10:8**

TIMBER PURCHASERS

Covered employers, **2:6**

TRAVELING EMPLOYEES

Generally, **4:26 to 4:30**

Bathroom, use of, **4:27**

Deviation, **4:28**

Dual-purpose trips, **4:29**

Good Samaritan acts, **4:28**

Home, working at, **4:30**

Meals, eating of, **4:27**

Particular travel as part of work, **4:27**

Roundabout route of travel, **4:28**

TRUCKING

Employee, independent contractor, **2:23**

Owner-operator, **2:5**

TWO-YEAR STATUTE OF LIMITATIONS

Generally, **7:3 to 7:13**

Benefits not paid before claim, **7:7**

Benefits paid before claim, **7:8 et seq.**

Commencement of running of statute,
7:13

Death benefits, bar to, **7:4**

Discovery rule, **7:7, 7:13**

Erasure of statute, **7:10**

Estoppel, **7:5**

Gradually developing ailments, benefits
not paid before claim, **7:7**

Medical benefits paid before claim, **7:12**

Misrepresentation by employer, estoppel,
7:5

One-year statute, interaction with, **7:2**

Operation of statute, **7:6**

Resolution of conflicting language, **7:11**

Suspension of running of statute, **7:9**

UNAVAILABILITY OF WORK

Permanent partial disability and benefits,
5:24, 5:28 to 5:30

UNCONSCIONABILITY

Indemnification of third party by
employer, actions against third par-
ties, **10:8**

VACATION PAY

Credits to reduce obligation for benefits,
5:66

VENUE

Hearings, **6:33**

VETERANS BENEFITS

Lump sum payments and compromise
settlements, **6:51**

VOLUNTARY PAYMENT

Disability and benefits, **5:2**

WAITING PERIOD

Disability and benefits, **5:11**

WAIVER OR ESTOPPEL

Affirmative defenses, controverting
claims, **6:15**

Arising out of and in course of employ-
ment, fraudulent procurement of
employment, **4:37**

Coverage, denial of, **2:10**

Judicial estoppel, **11:2, 11:7**

Judicial review, **8:4**

Right to benefits, **2:1, 5:63, 5:65, 6:59**

Two-year statute of limitations, **7:5**