

August 26, 1977

No. 32



NOTICE TO INSURANCE CARRIERS, SELF-INSURED EMPLOYERS UNDER
THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT,
AS EXTENDED, AND OTHER INTERESTED PERSONS

Subject: Longshoremen's and Harbor Workers' Compensation
Act Procedures: Final rules governing referral
and hearing of disputed claims and application
for approval of fees for legal services rendered
to successful claimants

Attached is a copy of recently published amended and added rules of the Department of Labor governing the administration of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et al., as amended by Public Law 92-576, 86 Stat. 1251. These rules modify existing regulations relating to the referral and hearing of disputed claims and the application for approval of fees for legal services rendered to successful claimants. Proposed regulations were published in the Federal Register on March 15, 1977, and comments received thereafter. These changes become effective thirty days after the date of publication in the Federal Register.

The highlights of the revisions of 20 CFR 702 are discussed here only briefly. However, careful attention should be given to the regulations in their entirety.

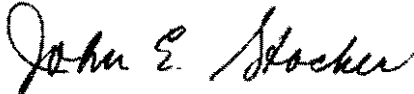
Section 702.132 has been amended to provide for the payment of fees only to those persons specifically referred to in this section, whether such fees shall constitute a lien on compensation due and payable or are assessable against the employer. Fee applications must be served on other parties, within specified time limits, supported by a complete and detailed statement of the extent and character of the necessary work performed, with particularity as to the professional status of the person performing the work.

Prior to the referral of a claim to the Office of Administrative Law Judges pursuant to section 702.317 the parties must prepare a pre-hearing statement on a form furnished by the Deputy Commissioner and return it to him/her within 21 days. All evidence the parties intend to submit at the hearing will

be furnished to the Chief Administrative Law Judge along with the pre-hearing statements via a transmittal letter from the Deputy Commissioner.

The time for notice of a hearing in accordance with section 702.335 will be not less than thirty days in advance thereof. Section 702.337 mandates that continuances will be granted only under limited circumstances as in the case of extreme hardship or because of previously scheduled judicial proceedings. Requests for continuances must be received at least ten days before the hearing is scheduled.

Post hearing briefs will be permitted but are subject to limitations set forth in section 702.343.



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Attachment