



Code of Colorado  
Regulations Secretary of  
State  
State of Colorado

**COLORADO DEPARTMENT OF PERSONNEL & ADMINISTRATION**

**Office of Administrative Courts**

**PROCEDURAL RULES FOR WORKERS' COMPENSATION**

**HEARINGS 1 CCR 104-3**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

**Preamble**

The Office of Administrative Courts Procedural Rules for Workers' Compensation were initially adopted in their entirety by the Department of Personnel & Administration on October 26, 2005.

This version reflects a repeal of the former rules and reissuance by the Director to amend the Office of Administrative Courts Procedural Rules for Workers' Compensation Hearings.

**OAC Rule 1. Definitions.**

As used in these Procedural Rules for Workers' Compensation Hearings:

- A. "ALJ" is an administrative law judge with the Office of Administrative Courts or a prehearing administrative law judge with the Division of Workers' Compensation.
- B. "Address" is the U.S. postal service mailing address or the email address.
- C. "Application" refers to an Application for Hearing, an Application for Expedited Hearing, or an Application for Hearing - Disfigurement Only filed with the Office of Administrative Courts.
- D. "C.R.S." is the Colorado Revised Statutes.
- E. "Days" are calendar days unless specifically noted in the rule otherwise.

- F. "DOWC" is the Division of Workers' Compensation in the Department of Labor and Employment.
- G. "Hearing" refers to an In-Person Hearing, a Virtual Hearing, and a Hybrid Hearing, but does not include status conferences or prehearing conferences.
  - 1. "In-Person Hearing" means a hearing in which all parties, party representatives, and attorneys physically appear in a courtroom. (Witnesses may testify remotely in an In-Person Hearing).
  - 2. "Virtual Hearing" means a hearing conducted through videoconference in which all participants appear remotely.
  - 3. "Hybrid Hearing" means a hearing in which one or more parties or attorneys physically appear in a courtroom, and one or more parties or attorneys appear remotely.
- H. "Mailing" as used in these rules shall include first class mail, or email.
- I. "OAC" means the Office of Administrative Courts, created in the Colorado Department of Personnel and Administration by section 24-30-1001(1), C.R.S.
- J. "OAC office" refers to the OAC's locations in Colorado Springs, Denver, and Grand Junction.
- K. "OACRP" means these Office of Administrative Courts' Rules of Procedure.
- L. "OAC-Approved Form" means a form published on the OAC Website.
- M. "OAC Website" refers to the website associated with the OAC which at the time of publication is [oac.colorado.gov](http://oac.colorado.gov).
- N. "Response to Application" refers to a Response to an Application for Hearing, a Response to Application for Expedited Hearing, or a Response to Application for Hearing - Disfigurement Only filed with the Office of Administrative Courts.
- O. "Venue" means the physical location of a hearing, which includes Denver, Colorado Springs, Pueblo, Grand Junction, and Glenwood Springs. The OAC may, as resources and facilities require, add, or remove available venues for hearing.

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**OAC Rule 2. Applicability.**

- A. The OACRP apply to procedural orders and hearings pursuant to the Workers' Compensation Act of Colorado, Articles 40 to 47 of Title 8, C.R.S., from the date an Application for Hearing is filed until the time to file a Petition to Review (PTR) has expired, or, if a Petition to Review PTR is filed, until the file is transmitted to the Industrial Claim Appeals Office, or until the time to issue a corrected order has concluded.
- B. The Colorado Rules of Civil Procedure apply to Workers' Compensation hearings unless they are inconsistent with these rules, the provisions of the Workers' Compensation Act, or the Workers' Compensation Rules of Procedure, 7 CCR 1101-3.
- C. The OACRP does not apply to matters solely within the discretion of the DOWC director including but not limited to the following: claim closure for lack of prosecution, medical fee schedule disputes, or any modification to the claim information.

**OAC Rule 3. Ex-Parte Communications.**

With the exception of settlement conferences or mediation, a party or counsel for a party shall not initiate any communication with an ALJ pertaining to a matter before the OAC, unless requested by an ALJ. Communications regarding scheduling or administrative matters shall be directed to OAC staff. Copies of all pleadings or correspondence filed with the OAC or directed to an ALJ by any party shall be served pursuant to OACRP 6.

**OAC Rule 4. Filing of Documents.**

- A. Original pleadings, forms, and other documents related to a proceeding before the OAC shall be filed with the OAC office closest to the claimant's address of record. If a motion to change venue has been granted, original pleadings, forms, and other documents related to a proceeding shall be filed in accordance with OACRP 4.B.
- B. If the hearing venue is Denver, the Application, pleadings, forms, and other documents shall be filed at the OAC's Denver office. If the hearing venue is

Colorado Springs or Pueblo, the Application, pleadings, forms, and other documents shall be filed at the OAC's Colorado Springs office. If the hearing venue is Grand Junction, or Glenwood Springs, the Application, pleadings, forms, and other documents shall be filed at the OAC's Grand Junction office.

- C. Filing shall be by U.S. Mail, hand delivery, or by email. Facsimile filings are not accepted. The current email address for each OAC office can be found on the OAC website or by contacting the OAC.
- D. Duplicate copies will be discarded and not made part of the OAC file.
- E. The date of filing shall be the date indicated on the certificate of service on the filing. If no certificate of service is included, the date of filing shall be the date received by the OAC.
- F. All pleadings, forms, and other documents filed with the OAC shall contain the Workers' Compensation claim number.
- G. The OAC may reject any Application, pleading, form, or other document that does not comply with the OACRP. The rejection of any pleading, form, or other document for noncompliance with formatting requirements shall be without prejudice.
- H. Formatting Requirements for OAC Filings.**
  - 1. **Format.** Documents subject to formatting requirements pursuant to these Rules shall be submitted to the OAC in an editable format, using an OAC-Approved Form for the caption and certificate of service.
  - 2. **Text.** Documents subject to formatting requirements shall use 12-point Arial font, with line spacing of no less than 1.5 lines. Only standard capitalization shall be used throughout the document, including captions. The use of all capital letters is prohibited, with the exception of standard abbreviations (*e.g.*, MMI, TTD, DIME). Underlining is prohibited, except for email addresses and URLs.
  - 3. **Enforcement.** Noncompliant documents may be rejected or returned for correction.

I. **Certificates of Service.**

1. **Requirement of Certificate of Service.** All proposed orders shall be accompanied by a certificate of service that sets forth the email address of each party who is to be served by email. When email addresses are available for all parties, the certificate of service for a proposed order shall not indicate that a party will serve the order under subsection 3 of this Rule.
2. **Service of Orders.** Upon issuance, the OAC shall serve the signed order by email on all parties in accordance with OACRP 6.
3. **Parties Without Email Addresses.**
  - a. If any party does not have an email address available for service, the certificate of services shall include the party's mailing address.
  - b. The prevailing party shall serve a true and correct copy of the signed order by mail on all parties who do not have an email address. Service shall be completed promptly and no later than 2 business days after the order is received.

**OAC Rule 5. E-Filing. (RESERVED)**

**OAC Rule 6. Service of Documents.**

- A. All pleadings, forms, or other documents filed with the OAC shall be served on each of the parties. When an attorney represents a party, service shall be made on the attorney.
- B. Service of pleadings, forms, or other documents may be made by hand delivery, by mail to the address given in the pleadings, by email to an email address given in the pleadings, or to the party's last known address as provided to the OAC.
- C. Attorneys shall inform the OAC and all other parties of their current telephone number, mailing address, and email address. Any changes to said information during the course of the proceedings shall be reported to the OAC and all parties within 7 days.

- D. Parties without an attorney shall inform the OAC and all other parties of their current telephone number, mailing address, and email address. Any changes to said information during the course of the proceedings shall be reported to the OAC and all parties within 14 days.
- E. The OAC may charge a fee for copies of all pleadings provided to the parties.

**OAC Rule 7. Hearing Request.**

- A. Any party may request a hearing on issues ripe for adjudication by filing an Application for Hearing, Application for Expedited Hearing, or an Application for Hearing - Disfigurement Only.
- B. Copies of the Application shall be served on the opposing party or parties, as provided in OACRP 6.
- C. The hearing shall be set in the venue closest to the claimant's residence, unless a different venue is approved by an ALJ for good cause shown, or as otherwise ordered by an ALJ.
- D. The OAC will schedule In-Person Hearings, Virtual Hearings, or Hybrid Hearings based on available facilities and resources. Once a hearing has been set, the format of the hearing may be changed by agreement of the parties and approved by an ALJ, by motion of one or more of the parties for good cause shown, or as otherwise ordered by an ALJ. Absent good cause, any request to change the format of the hearing shall be filed no later than 20 days before the hearing is scheduled to commence.
- E. Upon motion and good cause shown, an ALJ may grant the parties a half or full-day ("non-trailing") setting for a hearing to be held in Colorado Springs, Denver, or Grand Junction. Any dates for a non-trailing setting must be obtained by contacting the clerk in the OAC office where the hearing is scheduled to be held.

**OAC Rule 8. Application for Hearing.**

- A. The Application for Hearing shall be on an OAC-Approved Form.
- B. The OAC may reject any Application for Hearing that is not complete or does not

comply with the OACRP. The rejection shall be without prejudice.

- C. A Response to Application for Hearing or an Entry of Appearance shall be filed with the OAC no later than 15 days after the date the Application for Hearing was filed. If an Entry of Appearance is filed, the Response to Application for Hearing shall be filed no more than 30 days after the date the Application for Hearing was filed, unless agreed upon by the parties, or ordered by an ALJ.
- D. A party who is not represented by an attorney may request that the OAC set the matter for hearing. In that instance, Paragraph E of this Rule shall not apply.
- E. The applicant shall obtain available hearing dates listed on the OAC website that are within 80 to 120 days after the date the Application for Hearing was filed. If a Response to Application for Hearing or an Entry of Appearance was filed, the applicant shall contact the opposing party and agree on a date and time for hearing. The applicant shall file a written confirmation of the date and time selected at least 15 days and no more than 30 days after the Application for Hearing was filed. If the parties cannot agree on a date and time, the applicant shall notify the OAC in writing that there is no agreement, and the OAC will set the hearing at a date and time of its choosing.
- F. The parties may set the hearing to commence less than 80 days after the date of the Application for Hearing by motion and order of an ALJ.
- G. If the OAC does not receive written confirmation of the hearing from a party within 30 days after the Application for Hearing was filed, the Application shall be stricken without prejudice. Any party may, as permitted by law, file a new Application for Hearing regarding issues that are ripe for adjudication.

**OAC Rule 9. Application for Expedited Hearing**  
**(“Expedited Application”).**

- A. Any Expedited Application shall be on an OAC-Approved Form.
- B. An Expedited Application may be filed:
  - 1. By claimant, if the respondent filed a Notice of Contest and the claimant files an Expedited Application within 45 days of the date of service of the

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Notice of Contest. The issues in an expedited hearing shall be limited to compensability, medical benefits, applicable affirmative defenses, and other issues as agreed upon by the parties, or as ordered by an ALJ.

2. By claimant, if there is an urgent need for prior authorization of health care services recommended in writing by an authorized treating provider, and prior authorization has been denied. A copy of a medical record documenting the urgent need for prior authorization of health care services shall be attached to the Expedited Application. The issues will be limited to liability for those health care services, applicable affirmative defenses, and other issues as agreed upon by the parties, or as ordered by an ALJ.
3. By respondent, if it has filed a Petition to Suspend, Modify, or Terminate Compensation, and the claimant has filed an objection. The issues at the hearing shall be limited to a determination of the Petition to Suspend, Modify, or Terminate Compensation, applicable affirmative defenses, and other issues as agreed upon by the parties, or as ordered by an ALJ.
4. By any party, on the issue of whether the employer or insurer provided a list of designated providers in compliance with section 8-43-404(5), C.R.S., and the claimant files an Expedited Application within 45 days after the claimant provided notice of the injury to the employer. The issues will be limited to whether the respondent provided a compliant list of designated providers, applicable affirmative defenses, and other issues as agreed upon by the parties, or as ordered by an ALJ.
5. By any party, on the issue of whether the employer or insurer provided a list in compliance with section 8-43-404 (5), C.R.S., if the insurer or self-insured employer admitted liability for the claim and the Expedited Application is filed within 45 days after the initial admission of liability for the claim. The issues will be limited to whether the respondent provided a compliant list of designated providers, applicable affirmative defenses, and other issues as agreed upon by the parties, or as ordered by an ALJ.
6. By any party, on the issue of whether the employer or insurer may reduce

compensation pursuant to section 8-42-112, C.R.S, if the insurer or employer has admitted liability for a claim, and the claimant files an Expedited Application within 45 days after the date of the admission reducing compensation. The issues will be limited to whether the respondent may reduce compensation pursuant to section 8-42-112, C.R.S., applicable affirmative defenses, and other issues as agreed upon by the parties, or as ordered by an ALJ.

7. Where otherwise authorized by the Colorado Workers' Compensation Act, or the Colorado Workers' Compensation Rules of Procedure, 7 CCR 1101-3.
- C. If the applicant qualifies for an expedited hearing, the OAC shall set the matter for hearing to occur consistent with the provisions of the Workers' Compensation Act. The OAC shall determine the location, date, and time of the expedited hearing, and shall send notice of the hearing to the parties, as provided by OACRP 11.
  - D. The opposing party may file a Response to the Expedited Application within 10 days of service of the Expedited Application, as provided by OACRP 6, unless agreed upon by the parties or approved by an ALJ.
  - E. The OAC may reject any Expedited Application that is not complete or does not meet the criteria for an expedited hearing as determined by an ALJ. The rejection shall be without prejudice.
  - F. When the Expedited Application is rejected for not meeting the criteria for an expedited hearing, the applicant may then file an Application for Hearing pursuant to OACRP 8.

**OAC Rule 10. Disfigurement Hearing and Award.**

A claimant may request a determination of additional compensation for disfigurement to areas of the claimant's body normally exposed to public view by filing an Application for Hearing – Disfigurement Only ("Disfigurement Application"). Unless the parties agree otherwise, the date of the Disfigurement Application must be at least 6 months from the date of injury except when the claimant has had surgery, in which case the

Disfigurement Application must be at least 6 months from the date of surgery. If a final admission of liability has been filed pursuant to section 8-43-203(2)(b)(II)(A), C.R.S., a claimant may request a hearing on disfigurement regardless of the date of injury or surgery.

A. Disfigurement Application.

1. A Disfigurement Application shall be on an OAC-Approved Form.
2. An opposing party may file a Response to the Disfigurement Application within 10 days of service of the Disfigurement Application.
3. The OAC will set the matter for hearing at a location, date, and time of its choosing, and shall send notice of the hearing to the parties, as provided by OACRP 11.
4. The OAC may reject any Disfigurement Application that is not complete. The rejection of a Disfigurement Application shall be without prejudice.

B. Disfigurement Award – Photographs.

Requests for a Disfigurement Award by photograph shall be filed with the DOWC. The claimant shall not simultaneously file a Request for a Disfigurement Award by photograph and a Disfigurement Application. Should the claimant be dissatisfied with an award based on photographs, the claimant is permitted to file a Disfigurement Application with the OAC.

C. Disfigurement Orders.

Unless otherwise provided in the disfigurement award order, the employer or insurer is entitled to credit for any amount previously paid for disfigurement. If the amount of the credit exceeds the disfigurement award, the employer or insurer may offset the amount of the credit against any future temporary or permanent disability benefits.

**OAC Rule 11. Notice of Hearing.**

The OAC shall send a Notice of Hearing to the addresses on the Application, or if filed, the addresses on the Entry of Appearance or Response to Application, consistent with OACRP 6.

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**OAC Rule 12. Issues for Hearing.**

- A. Issues for hearing shall be listed in the Application, the Response to Application, or may be added before the hearing date is confirmed by written notice to the OAC and the opposing party. After the hearing date is confirmed, issues may only be added by written agreement of the parties or order of an ALJ for good cause shown.
- B. At the commencement of hearing, the parties shall confirm the issues to be determined, including affirmative defenses.

**OAC Rule 13. Witnesses.**

- A. **General Rule.** A party may present testimony in its case-in-chief only from a witness who has been endorsed in accordance with this Rule.
- B. **Endorsed Witnesses.** A witness is considered endorsed if the witness is:
  - 1. Identified in the Application or the Response to Application;
  - 2. Disclosed by written notice served at least 75 days before the scheduled hearing date, subject to the endorsing party's continuing obligation to supplement discovery responses;
  - 3. Added by written agreement of the parties; or
  - 4. Added by order of an ALJ for good cause shown.

**OAC Rule 14. Extension of Time to Commence Hearing.**

- A. The parties may obtain one 60-day extension of time to commence a hearing by agreement pursuant to section 8-43-209(1), C.R.S. An agreement to set the hearing more than 120 days after the date of the Application is a request for extension of time under section 8-43-209(1), C.R.S. The initial setting date shall be no later than 180 days from the date of the Application.
- B. On written motion, an ALJ may grant extensions of time to commence a hearing pursuant to section 8-43-209(2), C.R.S. An ALJ may, on the ALJ's own motion, extend the time to commence a hearing if time is not available on the docket.

- C. When an extension of time is granted, the parties must file a hearing confirmation within 10 days after the date of service of the order granting an extension of time, unless otherwise ordered by an ALJ.

**OAC Rule 15. Hearing Vacated.**

After a Response to Application is filed, the Application may not be withdrawn, and the hearing may not be vacated except:

- A. Upon agreement of all parties and by filing a hearing cancellation form. If the parties agree to the withdrawal of the Application, the applicant must promptly notify the OAC of the agreement to vacate the hearing in writing. Hearings may be canceled by telephone, but must be followed up with written confirmation and served on all parties pursuant to OACRP 6; or
- B. Upon motion and for good cause shown and ordered by an ALJ; or
- C. As otherwise ordered by an ALJ.

**OAC Rule 16. Motions.**

- A. Motions and responses to motions shall be filed with the OAC office closest to the claimant's residence. If a motion to change venue has been granted, any motions and responses to motions shall be filed in the OAC office where the hearing is to occur. Motions and responses to motions shall be served on all parties, as provided in OACRP 6, on the same day as filed with the OAC. Motions shall be filed exclusively with either the OAC or the DOWC.
- B. Motions shall include a certification by the party or counsel filing the motion that they have conferred, or made a good faith effort to confer, with opposing counsel and unrepresented parties, and attempted to resolve the issue without court action. All motions shall include a statement indicating whether the motion is opposed, unopposed, or stipulated. If no conference has occurred, an explanation must be included in the motion. Any motion filed without a demonstrated good faith effort to confer may be summarily denied.
- C. The motion shall conspicuously state in the caption if the motion is unopposed or stipulated.

- D. A stipulated or unopposed motion may be granted or denied before the expiration of the response period.
- E. Any response to a motion shall be filed within 10 days from the date the motion was filed with the OAC. If no response is filed within 10 days, the motion may be deemed confessed.
- F. The OAC may refer any matter within the jurisdiction of a prehearing ALJ to the DOWC. If the parties agree to resolve a pending motion by proceeding to a prehearing conference before the DOWC, the parties shall promptly notify the OAC of the pending prehearing conference.
- G. An ALJ may, within the ALJ's discretion, require oral arguments on any motion.
- H. If an issue that is the subject of a motion has been resolved or becomes moot before an order is issued, the moving party shall notify the OAC in writing that the motion is moot or withdrawn.
- I. The parties shall submit a proposed order with each motion and response. Proposed orders shall set forth the relief requested in reasonable detail, and not merely by reference to another document. Proposed orders for approval of stipulations shall specifically state the terms of the stipulation in the order.
- J. Proposed orders shall conform to the formatting requirements of OACRP 4.H and include a certificate of service complying with OACRP 4.I.

**OAC Rule 17. Summary Judgment.**

- A. Any party may file a motion for summary judgment seeking resolution of any endorsed issue for hearing by filing a written motion at least 30 days before the hearing is scheduled to commence. Any motion seeking resolution of an issue endorsed for hearing shall be captioned as a motion for summary judgment. Any motion seeking resolution of one or more issues endorsed for hearing shall be considered a motion for summary judgment and shall conform to the requirements of this Rule.
- B. Summary judgment may be granted if the pleadings, transcripts of testimony, discovery responses, medical reports, employer records, affidavits, or other

admissible evidence show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. The motion for summary judgment must be accompanied by a proposed order that includes findings of fact, conclusions of law, and an order. The proposed order shall be in editable format and shall conform to the formatting requirements of OACRP 4.H and include a certificate of service complying with OACRP 4.I.

- C. Any response to a motion for summary judgment shall be filed within 15 days of the date of filing of the motion for summary judgment. If there is a disputed issue of material fact, the response must specifically identify the disputed issue of material fact.

**OAC Rule 18. Orders to Show Cause.**

- A. **Issuance.** An ALJ on their own motion may issue an order to show cause directing a party to explain why all or part of an Application or Response to Application should not be dismissed if the OAC's records, other orders, pleadings, or other documents demonstrate that:
1. One or more issues identified in the Application or Response to Application have been finally decided and all appellate remedies have been exhausted, or the time for appeal has expired;
  2. One or more issues identified in the Application or Response to Application are pending before the OAC, the Industrial Claim Appeals Office (ICAO), or a court of competent jurisdiction;
  3. A final order has been issued by the OAC, the ICAO, or a court of competent jurisdiction that:
    - a. Concludes a claim is permanently closed;
    - b. Dismisses a claim or issue with prejudice; or
    - c. Concludes a claim or issue is time-barred;
  4. The Application or Response to Application identifies issues outside the statutory authority of the ALJ or the OAC; or

5. For any other reason, the issues identified in the Application or Response to Application are not properly before the OAC.

**B. Contents of the Order.** An order issued under this rule must state:

1. The reason for issuance of the order;
2. The deadline for filing a written response; and
3. That failure to timely respond may result in dismissal of all or part of the Application or Response to Application.

**C. Response to Order to Show Cause**

1. A response to an order to show cause shall be filed no later than 14 days from the date the order was issued, unless otherwise ordered by the ALJ.
2. A response to an order to show cause issued under this rule shall address the specific grounds stated in the order and shall explain why the Application or Response to Application, or parts thereof, should not be dismissed.

**D. Responses by Other Parties.** An opposing party may respond to an order to show cause no later than 14 days from the date the order was issued but is not required to respond unless ordered by the ALJ.

**E. Oral Argument.** The ALJ may, in the ALJ's discretion, order oral argument on an order to show cause.

**F. Not a Substitute for Dispositive Motions.** An order to show cause under this rule does not serve as a substitute for or preclude any party from filing any other dispositive motion.

**G. Other Authority Preserved.** Nothing in this rule limits the ALJ's authority to issue orders to show cause in other appropriate circumstances.

**OAC Rule 19. Subpoenas.**

A subpoena to compel the attendance of witnesses or parties and the production of books, papers, or records at a scheduled deposition or hearing may be issued on

behalf of the OAC by an ALJ or by a licensed attorney for a party. The party requesting the subpoena shall be responsible for service of the subpoena, consistent with Rule 45 of the Colorado Rules of Civil Procedure.

**OAC Rule 20. Hearings Open to the Public.**

Hearings are open to the public. However, when necessary and reasonable, an ALJ may clear all persons from the hearing except counsel and parties.

**OAC Rule 21. Case Information Sheet (CIS).**

- A. Unless otherwise ordered by an ALJ, and except for disfigurement only hearings under OACRP 10, the parties jointly, or each party individually, shall file and serve pursuant to OACRP 6, a Case Information Sheet (CIS) on a form provided by the OAC, or on a substantially similar form. Any CIS shall be filed and served no more than 20 days and no less than 5 days prior to the date set for the commencement of the hearing, or such other date established by an ALJ.
- B. The purpose of the CIS is to permit the ALJ to determine the priority of the cases set, and to manage the docket more efficiently. The CIS is not discovery and is not a substitute for proper endorsement of witnesses or issues pursuant to OACRP 12 or 13.
- C. The CIS shall advise the ALJ as to whether the parties have conferred and made a good faith effort to resolve the issues set for hearing, the status of any discovery, the stipulations to be offered, the issues remaining for hearing, the names of the lay and expert witnesses to testify at the hearing, whether each witness shall testify in person, remotely, or by deposition, the expected length of each witness's testimony, and whether an extension of time to commence the hearing has previously been granted.
- D. Should a party fail to timely file a CIS, the OAC may: (1) strike the application for hearing without prejudice and vacate the hearing; (2) issue an order to show cause why the issues or defenses should not be dismissed with prejudice; (3) continue the hearing to a future date; (4) continue the hearing and require the parties to attend a pre-hearing conference prior to proceeding to a hearing on the merits; or (5) proceed to hearing on the merits.

- E. If an interpreter has been requested pursuant to OACRP 22, the requesting party shall indicate on the CIS that an interpreter is required. The initial request for an interpreter shall be made consistent with OACRP 22, and not on the CIS form.

**OAC Rule 22. Interpreters and Auxiliary Services.**

**A. Interpretation Services for Limited English Proficient Individuals.**

1. **Request by a Party or for a Witness.** A party who is limited English proficient, or any party who calls a witness who is limited English proficient, may request that the OAC provide interpretation services for the hearing at no cost to the requestor.
2. **Form of Request.** A request for interpretation services must be made using an OAC-Approved Form.
3. **Separate Requests.** A separate request for interpretation services must be filed for each witness or party requiring such services. If a hearing is rescheduled or continued, a new request must be filed for each witness or party requiring such services at the rescheduled or continued hearing.
4. **Time for Filing.** A request must be filed no later than 30 days before the scheduled hearing date. If filed fewer than 30 days before the hearing date, the hearing may be rescheduled.
5. **Confirmation in Case Information Sheet (CIS).** Any request for interpretation services shall be confirmed in the CIS filed by the party requesting such services. Confirmation of interpretation services in a CIS does not constitute a request for interpretation services.

**B. Auxiliary Aids or Services for Disabilities.**

1. **Request by a Party or for a Witness.** A party who requires an auxiliary aid or service for a disability, or any party who calls a witness who requires an auxiliary aid or service for a disability, may request that the OAC provide such services for the hearing at no cost to the requestor.
2. **Form of Request.** A request for an auxiliary aid or service for a disability may be made by communicating the need for such service to the OAC.

3. **Separate Requests.** A separate request for an auxiliary aid or service for a disability must be submitted for each witness or party requiring such services.
  4. **Time for Filing.** A request should be submitted no later than 30 days before the scheduled hearing date. If submitted fewer than 30 days before the hearing date the hearing may be rescheduled.
  5. **Confirmation in Case Information Sheet (CIS).** Any request for an auxiliary aid or service for a disability shall be confirmed in the CIS filed by the party requesting such services. Confirmation in a CIS does not constitute a request for such service.
- C. **Status Conferences.** The OAC may require the parties to attend a status conference prior to the hearing to determine the hearing status and need for interpretation services, auxiliary aid, or disability services.
- D. **Cancellation or Rescheduling of Hearings.** If a case is canceled, settled, continued, or otherwise rescheduled by the parties, the parties shall notify the OAC no later than 3 business days before the scheduled hearing that the requested services are no longer needed.
- E. **Party-Provided Services.** A party who requires interpretation, auxiliary aid, or disability services may provide their own service so long as the provider meets the qualifications of OACRP .22.F, below.
- F. **Qualifications of Interpreters.** The OAC will provide professional interpreting services through a third-party vendor. Any interpreter provided by the vendor, or any interpreter that the parties provide must have one of the following:
1. A certification as a qualified legal interpreter in the target language, or,
  2. A demonstrated ability to interpret from the target language to English and from English to the target language, and a demonstrated knowledge of legal terms and concepts.
- B. **Interpreter Code of Conduct.** Immediately prior to the commencement of the hearing, any interpreter must review the “Code of Conduct for Interpreters in

Administrative Hearings” and agree in writing to abide by its provisions.

**OAC Rule 23. Hearing Exhibits**

- A. Each party shall submit their hearing exhibits in electronic form to the OAC and the opposing parties at least 3 business days before the hearing. The exhibit packet shall be tendered to the court in a single combined PDF document, unless requested otherwise by the OAC or an ALJ.
- B. Exhibit packets shall comply with the following:
  - 1. Exhibit packets shall include a cover sheet listing the exhibits and identifying the party offering the exhibits.
  - 2. Claimants' exhibits shall be identified using numbers, starting with 1.
  - 3. Respondents' exhibits shall be identified using letters, starting with A.
  - 4. The exhibit packet shall include a separate divider page between each exhibit containing the exhibit letter or number.
  - 5. All pages of the exhibit packet shall be numbered consecutively, including divider pages. Page numbers shall be affixed conspicuously to each page, but not in a manner that obscures the content of any exhibit.
- C. If exhibits are not submitted as required by this Rule, the ALJ may: (1) order the party to submit a conforming exhibit packet; (2) continue the hearing to a future date; (3) require the parties to attend a prehearing conference; or (4) proceed to hearing on the merits. No exhibits that are otherwise admissible will be excluded solely for failure to comply with the requirements of this Rule.
- D. Parties shall not submit paper copies of exhibits to the OAC unless otherwise requested by the OAC. Parties may utilize paper copies of exhibits as necessary to conduct the examination of a witness or otherwise present evidence. If requested, parties may submit paper copies of exhibits at the start of the hearing, provided the exhibits have been filed in electronic form pursuant to this Rule.

**OAC Rule 24. Remote Testimony.**

- A. **In-Person Hearings.**

1. **Remote Testimony by Endorsed Witnesses.** A party may present the testimony of an endorsed witness by videoconference or telephone at an in-person hearing if the party files a notice with the OAC at least 14 days before the scheduled hearing, specifying the format in which the testimony will be presented.
  2. **Compelling In-Person Testimony.** An opposing party may compel the in-person attendance of a witness who would otherwise testify remotely by serving a subpoena on the witness. The party compelling attendance shall bear any associated costs.
- B. **Virtual Hearings.**
1. **Required Video Appearance.**
    - a. **Witnesses.** All testifying witnesses shall appear on video unless a notice of audio-only testimony is filed pursuant to section B.2. of this Rule or otherwise permitted by an ALJ.
    - b. **Attorneys and Self-Represented Parties.** Attorneys and self-represented parties shall appear on video and may not appear by audio only unless an ALJ permits otherwise for good cause shown.
  2. **Notice of Audio-Only Testimony.**
    - a. No written notice is required for testimony by a witness appearing by video at a Virtual Hearing.
    - b. If an endorsed witness will testify by audio only and will not appear on video, the party calling the witness shall file a notice with the OAC at least 14 days before the hearing, stating that the testimony will be presented by audio only.
  3. **Motion to Compel Video Testimony.** An opposing party may move to compel a witness who is scheduled to testify by audio only to instead appear by video. The motion shall be filed at least 10 days before the hearing and must show good cause. The party calling the witness must file

a response within 5 days of service of the motion.

C. **Hybrid Hearings.**

1. **Motion Required.** An ALJ may order a hybrid hearing on written motion for good cause shown. The motion must be filed at least 14 days before the scheduled hearing and must identify each participant and the format of their anticipated appearance (in-person or by videoconference).
2. **Required Video Appearance.**
  - a. **Witnesses.** Any testifying witness not physically present in the courtroom must appear on video, unless a notice of audio-only testimony is filed pursuant to section C.3., of this Rule, or otherwise permitted by an ALJ.
  - b. **Attorneys and Self-Represented Parties.** Attorneys and self-represented parties shall appear by videoconference and may not appear by telephone unless an ALJ permits otherwise for good cause shown.
3. **Notice of Audio-Only Testimony.** If an endorsed witness will testify by audio only and will not appear on video, the party calling the witness shall file a notice with the OAC at least 14 days before the hearing, stating that the testimony will be presented by audio only.
4. **Motion to Compel Video Testimony.** An opposing party may move to compel a witness scheduled to testify by audio only to instead appear by video. The motion shall be filed at least 10 days before the scheduled hearing and must show good cause. The party calling the witness must file a response within 5 days of service of the motion.

- D. **Responsibility for Remote Testimony.** The party calling a witness to testify remotely must do so at its expense and must make advance arrangements for presenting the testimony.

**OAC Rule 25. Non-Appearing Party.**

If a party fails to appear at a hearing after the OAC has sent notice of the hearing to

that party, prior to entering any orders against the non-appearing party as a result of that hearing, the ALJ will consider:

- A. The addresses to which the notice of hearing was sent are the most recent addresses provided by the non-appearing party to either the OAC or the Division of Workers' Compensation; or
- B. If no address for the non-appearing party is on file with the OAC or the Division of Workers' Compensation, the ALJ finds on the basis of other evidence that:
  1. Notice of the hearing was sent to an address at which it is likely to be received by the non-appearing party or the non-appearing party's authorized representative; or
  2. The non-appearing party in fact received notice of the hearing.
- C. A copy of a record or other written statement from the OAC or the Division of Workers' Compensation containing the most recent address provided by the non-appearing party to either of those agencies shall be sufficient to create a rebuttable presumption that the non-appearing party received notice of the hearing.

**OAC Rule 26. Closing Statement.**

- A. At the conclusion of a hearing, a party may make a closing statement or, at the discretion of the ALJ, submit a written closing statement. A written closing statement shall be submitted by mail or email, in an editable format, to the OAC. The deadline for submission of written closing statements shall be at the discretion of the ALJ.
- B. Written closing statements shall be limited to the issues endorsed before the ALJ on the record at the hearing. Written closing statements shall not include any attached documents that were not admitted into evidence by the ALJ at hearing unless otherwise stipulated by the parties or permitted by the ALJ for good cause shown.
- C. Any written closing statement shall not exceed 20 pages and shall conform to the formatting requirements of OACRP 4.H. An ALJ may allow a written closing

statement to exceed 20 pages for good cause shown. Any written closing statement that exceeds the limits set forth in this Rule may be rejected by the ALJ.

**OAC Rule 27. Order.**

- A. The ALJ shall issue a written order within the time frames set forth by section 8-43-215(1), C.R.S. A copy of the order shall be served on each attorney who appeared at the hearing and to unrepresented parties. The OAC may serve any final order of an ALJ issued under the Workers' Compensation Act of Colorado on counsel or unrepresented parties by email, as permitted by section 8-43-215(1), C.R.S. The parties are required to provide the OAC with an updated email address for the service of the order.
- B. If the ALJ issues a summary order pursuant to section 8-43-215(1), C.R.S., and a request for a full order is filed by any party, all parties shall have 7 days from the date the request for a full order was filed to submit their proposed findings of fact, conclusions of law, and order. The proposed orders shall be submitted by email to the applicable OAC email address and shall conform to the formatting requirements of OACRP 4.H.

**OAC Rule 28. Petition to Review.**

- A. Pursuant to section 8-43-301, C.R.S., if an order is subject to appeal, a party may file a Petition to Review or a Petition to Review and Transcript Request with the OAC's office in Denver. A Petition to Review filed by email to [OAC-DVR@state.co.us](mailto:OAC-DVR@state.co.us) or [OAC-PTR@state.co.us](mailto:OAC-PTR@state.co.us) shall be deemed filed with the OAC's office in Denver. A Petition to Review or Petition to Review and Transcript Request sent to the email address of a regional office is not deemed filed in Denver.
- B. Forms for a Petition to Review and a Petition to Review and Transcript Request are available on the OAC website.
- C. When a Petition to Review and Transcript Request is filed, the following procedures shall apply:
  - 1. Any party who orders a transcript in connection with filing a Petition to

- Review in a Workers' Compensation case is responsible for making arrangements to have the hearing transcribed from the recording, and for filing the transcript with the OAC.
2. A party filing a Petition to Review in a Workers' Compensation case who wishes to order a transcript must include a statement that a transcript is requested in the caption of the Petition to Review.
  3. The transcript shall be prepared by a court reporter or transcriptionist who does not have an interest in the case and whom the party requesting the transcript selects. Along with the request for a transcript, the Petition to Review shall identify, by name and mailing address, the person to whom the recording should be sent.
  4. The OAC shall mail to all parties a notification of the date the recording was sent to the designated court reporter or transcriptionist. The 25 working-day time limit for filing the transcript with OAC shall begin from the date contained in that notice, pursuant to section 8-43-213(2), C.R.S.
  5. If a transcript is not filed with the OAC within the 25 working-day time limit, and no motion has been filed by a party and an order entered to extend the filing deadline, the OAC shall issue an Order Striking Transcript Request and Notice and Briefing Schedule. The issuance of a briefing schedule shall constitute notice to the parties that the order for the transcript has been withdrawn. The briefing schedule shall control the processing of the Petition to Review unless, within 7 days of the issuance of the briefing schedule, a party makes a request, showing good cause, that the party be allowed to file a late transcript with the OAC. If such a request is made, the ALJ shall rule on the request and, at the same time, issue appropriate orders regarding the briefing schedule.
  6. The procedure set forth in this rule also applies to the order of a transcript by a party opposing a Petition to Review.
- D. Briefs in support or in opposition to Petitions to Review may not exceed 20 pages, double-spaced in 12-point type, Arial or Helvetica font, exclusive of pages containing the table of contents, tables of citations, and any addenda

containing statutes, rules, decisions, regulations and similar material. An ALJ may allow a brief to exceed 20 pages for good cause shown.

- E. The ALJ may dismiss a Petition to Review or a Petition to Review and Transcript Request without prior notice to the parties if it appears that the petition is not timely filed. A party may file a motion requesting reconsideration of such an order within 20 days of the date of mailing of the order. A denial of a motion for reconsideration is subject to a Petition to Review.

**OAC Rule 29. Requests for Transcripts of Hearings Not in Connection with a Petition to Review.**

- A. A party or other interested person may request a copy of the audio recording or a written transcript of a hearing or part of a hearing, at the requesting party's expense. A party or other interested person is limited to the claimant, the respondent, the employer, the adjusting agent, or an attorney or designated representative of any of the parties. A non-party witness may request an audio copy or a written transcript only of their testimony.
- B. Any request for an audio recording shall be made pursuant to the applicable OAC Policy.

**OAC Rule 30. Retention of Audio Recordings of Hearings.**

The OAC shall retain audio recordings of hearings for at least three years following the date the recording was made. Audio recordings may be erased or destroyed at the conclusion of this three-year period.

**Editor's Notes**

**History**

Entire rule eff.

01/01/2006. Entire rule

eff. 03/30/2015.

OAC Rule 21 emer. rule eff.

05/24/2019. OAC Rule 21 eff.

09/14/2019.

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