

Chapter Ind 80

WORKER'S COMPENSATION

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Ind 80.01 General. The rules of practice at hearings before the department will conform generally to the rules of practice before courts of equity. The aim is to secure the facts in as direct and simple a manner as possible.

History: 1-2-56; am. Register, April, 1975, No. 232, eff. 5-1-75.

Ind 80.02 Reports. (1) Employers under the provisions of the workmen's compensation act within one day after the fatal termination of an accident or industrial disease shall make a brief report of this occurrence to the department by telegraph, telephone or by letter. They shall also make a report on form WC-12 on the fourth day after the accident or beginning or disability from occupational disease upon every accident or disease causing death or a disability which exists beyond the third day after the employe leaves work as a result of the accident.

(2) Self-insured employers and insurance companies on all accidents which require a first report must:

(a) Make a supplementary report on form WC-13 on the eleventh day following that on which the accident occurred.

(b) Make another supplementary report immediately when payments are stopped for any reason. This report must be accompanied by an explanatory memorandum, a copy being furnished to the injured claimant if there is a dispute with the injured man.

(c) Make a final report on form WC-13 when final payment of compensation has been made, which must be accompanied by a copy of the final receipt signed by the injured employe, and a report from a physician, if the disability exceeds 3 weeks or if there is any permanent disability, unless there has been a hearing before the department.

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(d) Supply to the employe copy of final report on form WC-13 in all cases at the time of final payment, and final physician's report in cases where disability has extended beyond 3 weeks following the date of injury, or where permanent disability has resulted.

(e) Make immediate report of any amputation which requires an artificial member or appliance.

History: 1-2-56; am. (1) and (2), Register, October, 1965, No. 118, eff. 11-1-66; am. Register, April, 1975, No. 232, eff. 5-1-75.

Ind 80.03 Compromise. In any case where an accident and injury to an employe occurs of which the department has jurisdiction under the compensation act, and a compromise of liability thereunder is made directly by such employer and employe, the same shall be made in writing in the presence of one or more disinterested witnesses who shall sign such compromise, and copies of all such compromises shall be mailed immediately to the department by the employer. All compromises may be reviewed, set aside, modified or confirmed by the department upon application of either party within one year from the date of the compromise. (s. 102.16, Stats.)

History: 1-2-56; am., Register, April, 1975, No. 232, eff. 5-1-75.

Ind 80.04 Place of hearing. The department at its discretion may from time to time hold public sessions other than in the state capitol.

History: 2-1-56; am., Register, April, 1975, No. 232, eff. 5-1-75.

Ind 80.05 Procedure on claim. (1) In case of disputes in matters coming under the jurisdiction of the department, either party to the dispute may apply to the department for relief and the department shall make such order or award as shall be lawful and just in the premises.

(2) In all such cases the party complaining shall file his application with the department, with copies to be served on the adverse party. The department shall thereupon serve such adverse party with a copy of such application and such adverse party shall file his answer thereto with the department with 10 days after such service and likewise serve a copy of such answer on the party making application. The department will thereupon notify the parties of the time and place of hearing, at least 10 days prior to such hearing. (s. 102.17, Stats.)

History: 1-2-56; am., Register, April, 1975, No. 232, eff. 5-1-75.

Ind 80.06 Parties. The parties to the controversy shall be known as the applicant and the respondent. The party filing the application for relief shall be known as the applicant and the adverse party as the respondent. Either party may appear in person or by an attorney or agent.

Ind 80.07 Service. All service of papers, unless otherwise directed by the department or by law, may be made by mail and proof of such mailing shall be prima facie proof of such service. Time within which service shall be made shall be the same as in courts of record unless otherwise specified by rule or order of the department.

History: 1-2-56; am., Register, April, 1975, No. 232, eff. 5-1-75.

Ind 80.08 Amendments. Amendment may be made to any pleading upon application to the department and cause shown. The department may on its own motion, modify or change its order, finding or award at

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Fingers

Distal joint only	25%	35%
Middle joint only	75%	85%
Proximal joint only	40%	50%
Distal and middle joints	85%	100%
Distal, middle and proximal... joints	100%	100%

(b) Loss of Motion

Fingers	Loss of Flexion	Loss of Use	Loss of Extension	Loss of Use
Distal joint only	10%	- 1%	10%	- 2%
	20%	- 2%	20%	- 4%
	30%	- 3%	30%	- 6%
	40%	- 5%	40%	- 8%
	50%	- 10%	50%	- 15%
	60%	- 15%	60%	- 20%
	70%	- 20%	70%	- 30%
	80%	- 25%	80%	- 40%
			100%	- 60%
Middle joint only	10%	- 5%	10%	- 2½%
	20%	- 10%	20%	- 5%
	30%	- 15%	30%	- 10%
	40%	- 25%	40%	- 15%
	50%	- 40%	50%	- 30%
	60%	- 50%	60%	- 50%
	70%	- 60%	70%	- 70%
	80%	- 70%	80%	- 90%
			100%	- 100%
Proximal joint only	10%	- 5%	10%	- 2½%
	20%	- 10%	20%	- 5%
	30%	- 15%	30%	- 15%
	40%	- 20%	40%	- 20%
	50%	- 25%	50%	- 25%
	60%	- 30%	60%	- 40%
	70%	- 35%	70%	- 75%
	80%	- 40%	80%	- 85%
			90%	- 100%

History: Cr. Register, October, 1966, No. 118, eff. 11-1-66; r. and recr. Register, April, 1975, No. 232, eff. 5-1-75.

Ind 80.33 Permanent disabilities; fingertip amputations. In estimating permanent disability as a result of fingertip amputations, amputation of the distal one-third or less shall be considered the equivalent of 45% loss of use of the distal phalanx, amputation of not more than the distal two-thirds but more than the distal one-third shall be considered the equivalent of 80% loss of use of the distal phalanx, and amputation of more than the distal two-thirds shall be considered as 100% loss of the distal phalanx, provided there is not added disability as a result of

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malformed nail or tissue. In no case shall the allowance be greater than it would have been for amputation of the entire distal phalanx.

History: Cr. Register, October, 1965, No. 118, eff. 11-1-65; am. Register, November, 1970, No. 179, eff. 12-1-70.

Ind 80.50 Notice of cancellation or termination. Notice of cancellation or termination of a policy under s. 102.31 (1) (a), Stats. shall be given by certified mail or personal service to the Wisconsin compensation rating bureau, as defined in s. 626.02 (2), Stats., rather than to the department. Whenever the Wisconsin compensation rating bureau receives notice of cancellation or termination pursuant to this section, it shall immediately notify the department of the notice of cancellation or termination.

History: Cr. Register, August, 1981, No. 308, eff. 9-1-81.