
**Rules of
Department of Labor and Industrial
Relations
Division 20—Labor and Industrial
Relations Commission
Chapter 7—Crime Victim Appeals**

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**Title 8—DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS
Division 20—Labor and Industrial
Relations Commission
Chapter 7—Crime Victim Appeals**

**8 CSR 20-7.010 Review of Decisions
Issued by the Division of Workers' Com-
pensation in Crime Victims' Compensa-
tion Cases**

*PURPOSE: This rule outlines proce-
dures for appeals from a decision made
by the Division of Workers' Compensa-
tion in crime victims' compensation
cases.*

(1) Review—Appeal. Any party to a case involving crime victims' compensation may appeal the decision of the Division of Workers' Compensation by filing a petition with the commission within thirty (30) days following the date of notification or mailing of the decision, as provided by 595.036, RSMo. A form to be used in making the petition has been promulgated by the commission and is available upon request. The petitioner is not required to use the promulgated form provided the petition sets forth information in regard to the case, and the decision which is sought to be reviewed and the reasons for making the petition. The petition shall be signed by the petitioner or the petitioner's attorney.

(2) Additional Evidence.

(A) After a petition has been filed with the commission, any interested party may file a motion to submit additional evidence to the commission. The hearing of additional evidence by the commission shall not be granted except upon the ground of newly discovered evidence which could not have been produced with reasonable diligence at the hearing before the Division of Workers' Compensation. Tender of merely cumulative evidence does not constitute a valid ground for the admission of additional evidence by the commission. The motion to submit additional evidence shall set out specifically and in detail—

1. Nature and substance of the newly discovered evidence;
2. Names of witnesses to be produced;
3. Nature of the exhibits to be introduced; and
4. Full and accurate statement of the reason the testimony or exhibits reasonably could not have been discovered or produced at the hearing before the Division of Workers' Compensation.

(B) The commission shall consider the motion to submit additional evidence and any response of the opposing party without oral argument by the parties and enter an order either granting or denying the motion. If the

motion is granted, the opposing party shall be permitted to present rebuttal evidence. As a matter of policy, the commission is opposed to the submission of additional evidence except when it furthers the interests of justice. Therefore, all available evidence shall be introduced at the hearing before the administrative law judge.

(3) Petitions and Briefs.

(A) A petitioner shall state specifically in the petition the reason the petitioner believes the decision of the Division of Workers' Compensation on the controlling issues is not properly supported. It shall not be sufficient merely to state that the decision of the Division of Workers' Compensation on any particular issue is not supported by competent and substantial evidence.

(B) If the petitioner desires to file a brief in support of the petition, the request to file a brief shall be stated in the petition. The petitioner's brief shall be filed within thirty (30) days after the transmittal of the transcript of record. The opposing party may file a responsive brief within fifteen (15) days after receipt of the petitioner's brief. The commission shall have discretion, after notice to the parties, to extend or accelerate the briefing schedule.

(4) Answers and Briefs.

(A) The opposing party (known as the respondent) may file an answer to the petition concisely addressing each of the contentions set forth in the petition. The answer shall be filed within ten (10) days after the filing of the petition. The commission shall have discretion to extend the time for filing an answer.

(B) If the petitioner does not include a request to file briefs in the petition and the respondent desires to file a brief, that request shall be included in the answer. If the petitioner requested a briefing schedule, but failed to timely file a brief, the respondent may file a brief only if the respondent included a request to file a brief in the answer.

(5) Briefs, Typewritten. Briefs filed in any case pending before the commission shall be typewritten. The original and two (2) copies shall be filed with the commission and a copy served upon the opposing party.

(6) Oral Argument. Oral argument may be granted by the commission. Any request to present oral argument shall be included in the petition or in the answer and shall include detailed and specific reasons the argument cannot be made adequately by brief. Untimely requests for leave to present oral argument shall not be entertained nor will any request to present oral argument in lieu of a brief be allowed.

*Auth: section 286.050, RSMo (1986).**
Original rule filed Aug. 9, 1993, effective
Jan. 13, 1994.

**Original authority 1945.*



Before The
Labor and Industrial Relations Commission of Missouri
Post Office Box 599
Jefferson City, MO 65102

Crime Victim:

Claim No.

Claimant:

Date of Crime:

Petition For Review

The undersigned hereby petitions the Labor and Industrial Relations Commission of Missouri for a review by the full Commission of the findings and award, order or decision made by the Division of Workers' Compensation in the above case issued on _____ day of _____, 19 ____.

Refer to Section 595.036 which outlines procedures for appeals from a final award, order or decision made by the Division of Workers' Compensation.

Appellant alleges that the Division of Workers' Compensation's award was erroneous for the following specific reasons:

(Petitioner)

By _____

Date _____ Address _____

Note carefully: The original Petition for Review and two (2) copies must be filed with the Labor and Industrial Relations Commission of Missouri, Post Office Box 599, Jefferson City, Mo. 65102, within thirty (30) days from the date of the award or order of the Division of Workers' Compensation. Section 595.036, RSMo.