



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Terry H. Chastain
Director

Information
(404) 656-3875

ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

On May 11, 2020, the Honorable Harold D. Melton, Chief Justice of the Georgia Supreme Court, issued a Second Order Extending Declaration of Statewide Judicial Emergency which extends the judicial emergency through June 12, 2020. Consistent with the Chief Justice's order, the Board hereby extends its order dated April 7, 2020, through June 12, 2020, with the following clarifications, modifications, and directions.

Hearings and Mediations

In-person hearings will continue to be postponed through June 12, 2020. The parties are strongly encouraged to utilize virtual hearings as a preferred alternative to in-person hearings during the period of the judicial emergency to have prompt and efficient resolution of legal and factual issues in dispute. In the circumstance that a virtual hearing cannot be held, if a party believes it will suffer hardship, the parties should contact the assigned judge to discuss whether an in-person hearing can be held that would be in compliance with public health guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH) and the local health department of the county in which the in-person hearing would be held.

Mediations should continue to be conducted telephonically and on video-conferencing platforms during the period of the judicial emergency.

Board Appellate Proceedings

Appellate oral arguments will continue to be held on a video-conferencing platform at the discretion of the Board during the period of the judicial emergency. Any party can elect to participate in the arguments virtually or waive oral argument and submit the issues for decision on briefs.

Deadline Extensions

The deadline extensions found applicable to workers' compensation cases in the Board's previous orders of March 17, 2020, and April 7, 2020, such as statutes of limitations and

time within which to appeal or seek the right to appeal any order, ruling, or other determination, will continue through June 12, 2020. However, in accordance with the Chief Justice's order of May 11, 2020, judges may reimpose or establish other deadlines on a case-by-case basis after considering the particular circumstances of the case, including any public health concerns and known individual health, economic, and other concerns regarding the litigants, lawyers, witnesses, and other persons who may be involved in the case. The judge must enter a written order in the record for the case identifying the deadlines that are being imposed. Judges should in particular consider re-imposing deadlines that do not require any or only insignificant in-person contact, such as deadlines for filing and responding to pleadings, motions, briefs, written discovery, and scheduling depositions that may be taken remotely or require few participants.

Payment of Benefits; Provision of Authorized Medical Treatment

Payment of timely weekly benefits, payments pursuant to Board awards and orders approving settlement agreements, and provision of authorized medical treatment constitute essential functions necessary to protect the health and safety of individuals. Therefore, the statutory requirements and Board rules relating to payment of benefits or provision of authorized medical treatment are not affected by this order.

Professionalism

During this challenging time as always, attorneys practicing before the State Board of Workers' Compensation are reminded of their obligations of professionalism and requirement to comply with the ethical rules of the State Bar of Georgia.

It is so ordered, this 12th day of May, 2020.

Frank R. McKay /s/
CHAIRMAN

Benjamin J. Vinson /s/
DIRECTOR

Terry H. Chastain /s/
DIRECTOR