

**SUBCHAPTER 23I - CHILDHOOD VACCINE-RELATED INJURY RULES OF THE NORTH  
CAROLINA INDUSTRIAL COMMISSION**

**SECTION .0100 –ADMINISTRATION**

**11 NCAC 23I .0101        LOCATIONS OF OFFICES AND HOURS OF BUSINESS**

For purposes of this Subsection, the offices of the North Carolina Industrial Commission are located in the Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. Documents pertaining to the Childhood Vaccine-Related Injury claims that are not being filed electronically may be filed between the hours of 8:00 a.m. and 5:00 p.m. only. Documents permitted to be filed electronically may be filed until 11:59 p.m. on the required filing date.

*History Note:*     *Authority G.S. 130A-424; 130A-425(d);  
                          Eff. January 20, 1995;  
                          Amended Eff. July 1, 2014;  
                          Recodified from 04 NCAC 10I .0101 Eff. June 1, 2018.*

**11 NCAC 23I .0102        OFFICIAL FORMS**

The use of any printed forms related to Childhood Vaccine-Related Injury claims, other than those provided by the Commission is prohibited, except that insurance carriers, self-insurers, attorneys and other parties may reproduce forms for their own use, provided:

- (1)     no statement, question, or information blank contained on the Commission form is omitted from the substituted form; and
- (2)     the substituted form is identical in size and format with the Commission form.

*History Note:*     *Authority G.S. 130A-424; 130A-425(d);  
                          Eff. January 20, 1995;  
                          Amended Eff. July 1, 2014;  
                          Recodified from 04 NCAC 10I .0102 Eff. June 1, 2018.*

**SECTION .0200 – RULES OF COMMISSION**

**11 NCAC 23I .0201        PROCEDURE**

When a claim is filed in accordance with G.S. 130A-425(b), the respondent shall determine and report its position to the claimant and the Commission on the issues listed in G.S. 130A-426(a) within 90 days. If the respondent agrees that the claimant has established damages which entitle claimant to money compensation meeting or exceeding the maximum amount set forth in G.S. 130A-427(b), the Commission shall so notify the claimant and respondent, and further notify them of the services the Department of Human Resources proposes to provide pursuant to G.S. 130A-427(a)(5). The Commission shall allow the parties an opportunity to settle the matter before proceeding to hearing.

*History Note:*     *Authority G.S. 130A-423; 130A-424; 130A-425; 130A-427;  
                          Eff. January 20, 1995;  
                          Amended Eff. July 1, 2014;  
                          Recodified from 04 NCAC 10I .0201 Eff. June 1, 2018.*

**11 NCAC 23I .0202        ATTORNEYS' FEES**

An attorney seeking fees pursuant to G.S. 130A-427(a)(4) shall submit to the Commission a copy of the fee agreement, a request for payment of fee, and an affidavit or itemized statement in support of an award of attorneys' fees.

*History Note:*     *Authority G.S. 130A-425(d); 130A-427(a)(4);  
                          Eff. January 20, 1995;  
                          Amended Eff. July 1, 2014;  
                          Recodified from 04 NCAC 10I .0202 Eff. June 1, 2018.*

**11 NCAC 23I .0203        WAIVER OF RULES**

In the interests of justice or to promote judicial economy the Commission may, except as otherwise provided by the rules in this Subchapter, waive or vary the requirements or provisions of any of the rules in this Subchapter in a case pending before the Commission upon written application of a party or upon its own initiative only if the employee is not represented by counsel. Factors the Commission shall use in determining whether to grant the waiver are:

- (1) the necessity of a waiver;
- (2) the party's responsibility for the conditions creating the need for a waiver;
- (3) the party's prior requests for a waiver;
- (4) the precedential value of such a waiver;
- (5) notice to and opposition by the opposing parties; and
- (6) the harm to the party if the waiver is not granted.

*History Note:* Authority G.S. 97-80(a); 130A-425(d);  
Eff. July 1, 2014;  
Recodified from 04 NCAC 101 .0203 Eff. June 1, 2018.

#### **11 NCAC 23I .0204 SANCTIONS**

(a) The Commission may, on its own initiative or motion of a party, impose a sanction against a party or attorney or both when the Commission determines that such party, or attorney, or both failed to comply with the Rules in this Subchapter. The Commission may impose sanctions of the type and in the manner prescribed by Rule 37 of the North Carolina Rules of Civil Procedure.

(b) Failure to timely file forms as required by either the Rules in this Subchapter or pursuant to the Childhood Vaccine-Related Injury Compensation Program may result in sanctions.

*History Note:* Authority G.S. 130A-425(d);  
Eff. July 1, 2014;  
Recodified from 04 NCAC 101 .0204 Eff. June 1, 2018.