



Stipulation

See important information on reverse

WCB Case No.(s)	Date(s) of Accident	Claimant's Name (Last, First, MI):
Carrier Case No.	Carrier Code	Carrier Name
Employer		Other Party of Interest

Is the claimant's representative requesting a fee? ☐ Yes ☐ No

If yes, then an **Application for a fee by Claimant's Attorney or Licensed Representative (Form OC-400.1)** that has been properly served on the claimant must be included with this stipulation.

Did the claimant's representative substitute a prior representative? ☐ Yes ☐ No

If yes, did the claimant's prior representative submit an **OC-400.1** to the Workers' Compensation Board? ☐ Yes ☐ No

If yes, has the claimant's representative and the substituted representative come to an agreement to allocate the attorney's fee? ☐ Yes ☐ No

If yes, please set forth the terms of the agreement below. The agreement of the substituted representative with this allocation should be memorialized by signing the Party of Interest line below or attaching correspondence on firm letterhead.

If no, explain why below (for example, no fee is due to the prior attorney) This stipulation may not be approved if the legitimate fee interest of substituted attorney or licensed representative is not properly addressed herein.

Is there a pending appeal in this case? ☐ Yes ☐ No

The **Application for Board Review (Form RB-89)** filed on _____ is hereby withdrawn when the Board decision becomes final.

The undersigned hereby stipulate to the above facts or proposed findings. Each party is aware of the legal effect stipulating to the above facts or proposed findings, and have affixed their signature to said stipulation of their own free will. If approved by the Workers' Compensation Board, this stipulation shall be incorporated into a decision of the Board and shall be binding on all parties.

Claimant Signature

Date

Attorney or Licensed Representative (please print)

Attorney or Licensed Representative (signature)

Carrier or Self-Insured Employer (please print)

Carrier or Self-Insured Employer (signature)

Party of Interest (please print)

Party of Interest (signature)

Workers' Compensation Law Judge or Conciliator (signature)

Date

Signature required if this form is submitted at a hearing.

12 NYCRR 300.5 Decisions by Workers' Compensation Law Judges:

(a) In controverted claims the Workers' Compensation Law Judge shall make a reasoned decision upon the contested points. This decision, outlining the evidence supporting said determination, may be made by an oral statement which shall be entered upon the minutes of the hearings, or may be in a written and signed statement which shall be filed with the papers in the record.

(b)(1) Parties to any claim before the Board may stipulate to uncontested facts or proposed findings. When a claimant is represented, a stipulation may be made either as an oral statement on the record at a hearing or, in writing outside of a hearing. A written stipulation must be submitted using the form or format prescribed by the Chair. The stipulation must indicate that each party to the stipulation:

(i) has been advised of the legal effect of stipulating to the facts or proposed findings contained in said stipulation; and

(ii) has affixed their signatures to said stipulation of their own free will. If the stipulation is presented at a hearing, a Workers' Compensation Law Judge shall verify the foregoing through questioning.

(2) A stipulation made at a hearing and approved by a Workers' Compensation Law Judge shall be incorporated into the decision of the Workers' Compensation Law Judge and shall be binding upon the parties. A written stipulation made outside of a hearing entered into by a represented claimant and the employer or carrier shall be reviewed and if approved by a Workers' Compensation Law Judge or conciliator shall be incorporated into a decision of the Board. Such stipulation, as incorporated into a decision of the Workers' Compensation Law Judge, shall be subject to the provisions of section 23 of the Workers' Compensation Law and section 300.13 of this Part, and to sections 22 and 123 of the Workers' Compensation Law. The Chair may direct that stipulations properly submitted in the prescribed format and approved by a Workers' Compensation Law Judge or conciliator constitute the decision of the Workers' Compensation Law Judge.

(3) When a claimant is not represented, he or she shall give a sworn statement on the record at a hearing indicating an understanding of the facts agreed to and the legal effect of the oral or written stipulation.

(4) The provisions of this subdivision shall not be applicable to agreements settling upon and determining claims for compensation pursuant to section 32 of the Workers' Compensation Law and section 300.36 of this Part.

(c) In every claim where the disability exceeds seven days, the Workers' Compensation Law Judge shall make a finding as to whether or not an accident arising out of and in the course of employment or an occupational disease has been established.

(d) The Workers' Compensation Law Judge may excuse the failure of a physician or other health providers to file reports in accordance with the requirements of subdivision (4) of section 13-a, subdivision (3) of section 13-k, subdivision (3) of section 13-l and subdivision (4) of section 13-m of the Workers' Compensation Law whenever after taking testimony the Workers' Compensation Law Judge finds it to be in the interest of justice to excuse such failure, and the decision of the Workers' Compensation Law Judge shall state the reasons therefor.

(e) A claim for reimbursement pursuant to section 15, subdivision 8 of the Workers' Compensation Law shall be filed on a form prescribed by the Chair.