

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 669
SENATE BILL 469

1 AN ACT TO AMEND G.S. 97-86 REGARDING APPEALS FROM THE NORTH
2 CAROLINA INDUSTRIAL COMMISSION.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** G. S. 97-86 is hereby rewritten to read as follows:

7 "**§ 97-86. Award Conclusive as to Facts; Appeal; Certified Questions of Law.** The award
8 of the Industrial Commission, as provided in § 97-84, if not reviewed in due time, or an award
9 of the Commission upon such review, as provided in § 97-85, shall be conclusive and binding
10 as to all questions of fact; but either party to the dispute may, within 30 days from the date of
11 such award or within 30 days after receipt of notice to be sent by registered mail or certified
12 mail of such award, but not thereafter, appeal from the decision of said Commission to the
13 Court of Appeals for errors of law under the same terms and conditions as govern appeals from
14 the Superior Court to the Court of Appeals in ordinary civil actions. The appellant shall cause
15 to be prepared a statement of the case as required by the rules of the Court of Appeals. A copy
16 of this statement shall be served on the respondent within 45 days from the entry of the appeal
17 taken; within 20 days after such service, the respondent shall return the copy with his approval
18 or specified amendments endorsed or attached; if the case be approved by the respondent, it
19 shall be filed with the clerk of the Court of Appeals as a part of the record; if not returned with
20 objections within the time prescribed, it shall be deemed approved. The Chairman of the
21 Industrial Commission shall have the power, in the exercise of his discretion, to enlarge the
22 time in which to serve statement of case on appeal and exceptions thereto or counterstatement
23 of case.

24 If the case on appeal is returned by the respondent with objections as prescribed, or if a
25 countercase is served on appellant, the appellant shall immediately request the Chairman of the
26 Industrial Commission to fix a time and place for settling the case before him. If the appellant
27 delays longer than 15 days after the respondent serves his countercase or exceptions to request
28 the Chairman to settle the case on appeal, and delays for such period to mail the case and
29 countercase or exceptions to the Chairman, then the exceptions filed by the respondent shall be
30 allowed, or the countercase served by him shall constitute the case on appeal; but the time may
31 be extended by agreement of counsel.

32 The Chairman shall forthwith notify the attorneys of the parties to appear before him for the
33 purpose at a certain time and place, which time shall not be more than 20 days from the receipt
34 of the request. At the time and place stated, the Chairman of the Industrial Commission shall
35 settle and sign the case and deliver a copy to the attorneys of each party.

36 The appellant shall within five days thereafter file it with the clerk of the Court of Appeals,
37 and if he fails to do so the respondent may file his copy.

38 The Industrial Commission of its own motion may certify questions of law to the Court of
39 Appeals for decision and determination by said Court.

40 In case of an appeal from the decision of the Commission, or of a certification by said
41 Commission of questions of law, to the Court of Appeals, said appeal or certification shall
42 operate as a supersedeas, and no employer shall be required to make payment of the award
43 involved in said appeal or certification until the questions at issue therein shall have been fully

1 determined in accordance with the provisions of this Article. If the employer is a noninsurer,
2 then the appeal of such employer shall not act as a supersedeas and the plaintiff in such case
3 shall have the same right to issue execution or to satisfy the award from the property of the
4 employer pending the appeal as obtains to the successful party in an action in the Superior
5 Court."

6 **Sec. 2.** All laws and clauses of laws in conflict with the Act are hereby repealed.

7 **Sec. 3.** This Act shall become effective on October 1, 1967.

8 In the General Assembly read three times and ratified, this the 2nd day of June,
9 1967.