

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 521
SENATE BILL 417

AN ACT TO ALLOW WORKMEN'S COMPENSATION PAYMENTS IN CERTAIN CASES
PENDING APPEAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-86 is amended so that the second sentence of the second paragraph shall read as follows:

"In case of an appeal from the decision of the commission, or of a certification by said commission of questions of law, to the Court of Appeals, said appeal or certification shall operate on a supersedeas except as provided in G.S. 97-86.1, and no employer shall be required to make payment of the award involved in said appeal or certification until the questions at issue therein shall have been fully determined in accordance with the provisions of this Article."

Sec. 2. G.S. 97-86.1 is enacted to read as follows:

"§ 97-86.1. **Payment of award pending appeal in certain cases.** — (a) When any appeal or certification to the Court of Appeals is pending, and it appears to the commission that any part of the award appealed from is not appealed by the issues raised by such appeal, the commission may, on action or of its own motion, render a judgment directing compliance with any portion of such award not affected by such appeal; or, if the only issue raised by such appeal is the amount of the average weekly wage, the commission shall, on motion of the claimant, direct the payment of such portion of the compensation payable under its award as is not in dispute, if any, pending final adjudication of the disputed portion thereof.

(b) In any claim under the provisions of this Chapter where it is conceded by all parties that the employee's claim is a compensable one and the amount is not disputed and where the only issue is which employer or employers, carrier or carriers are liable, the commission may, where an appeal from a hearing commissioner or the full commission is taken by one or more parties, order payment made to the employee pending outcome of the case on appeal. The order of payment shall contain the provision that if the employer or carrier ordered to pay is not ultimately liable for the amount paid, the employer or carrier will be reimbursed by the employer or carrier ultimately held liable.

(c) No payment made pursuant to the provisions of this section shall in any manner operate as an admission of liability or estoppel to deny liability by an employer or carrier.

(d) In any claim under the provisions of this Chapter wherein one employer or carrier has made payments to the employee or his dependents pending a final disposition of the claim and it is determined that different or additional employers or carriers are liable, the commission may order any employers or carriers determined liable to make repayment in full or in part to any employer or carrier which has made payments to the employee or his dependents."

Sec. 3. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 9th day of June, 1977.