

Cherokee Nation Code Annotated

Title 85: Workers' Compensation

Chapter 1: General Provisions

§ 14. Time limit for filing of claims

Cite as: 85 CNCA § 14

A. No claims for injury or death shall be allowed unless notice of the claim is filed with the department so designated per the Human Resource policy, for receiving such claims by the employer within thirty (30) days from the date of occurrence.

B. Claims for occupational disease shall be made within ninety (90) days from date of diagnosis by a physician.

C. All claims for any compensation or benefits under the Workers' Compensation Act shall be commenced within two (2) years from the filing of a notice of injury with the human resources office of the respective employer. The employer shall publish a form that must be used when filing.

D. All claims for any compensation or benefits under the Workers' Compensation Act shall be deemed closed upon a decree of final order issued by an arbitrator, or upon agreed settlement on a full and final release, or in the alternative, two (2) years from the date the notice of injury was given if the employee thereafter fails to seek medical treatment of the injury complained of in the notice of injury.

E. A claim may be reopened upon an application based upon a change in condition for the worse only if filed within three (3) years from the date of the last determination of maximum medical improvement or forever be barred.

F. Post-termination injury claims shall be filed within sixty (60) days of termination of employment, provided that nothing herein shall extend any limitation period set forth in this section.

G. The claim shall be deemed filed when it is actually received by the human resources office of the respective employer.

Historical Data

LA 08-04, eff. April 21, 2004. Amended LA 31-05, eff. October 16, 2005; LA 21-06, eff. October 19, 2006; LA 20-10, eff. August 15, 2010.