

Cherokee Nation Code Annotated

Title 85: Workers' Compensation

Chapter 2: Dispute Resolution

§ 48. Administrative record

Cite as: 85 CNCA § 48

A. The right to file an appeal of the arbitration award shall be forever barred unless the appeal is filed within thirty (30) days of the date of the award. All awards of arbitration will be deemed final upon the expiration of thirty (30) days from the date the award is issued.

B. The administrative record in an appeal of an arbitration award to the District Court shall include:

1. The administrative case file, including all documents, pleadings, motions, and intermediate rulings made in the administrative decision and the arbitration review;
2. Evidence received or considered at the arbitration proceeding;
3. A statement of matters officially noticed;
4. Questions and offers of proof, objections, and rulings thereon;
5. Proposed findings and exceptions;
6. The final arbitration decision appealed, and any other decision, opinion, or report entered by the arbitrator presiding over the hearing; and
7. All other evidence or data submitted to the arbitrator in connection with consideration of the case, provided all parties have had access to such evidence.

C. Arbitration proceedings shall be recorded by audio and may also be recorded by video at the option of the arbitrator. Such recordings shall be maintained for such time so as to protect the record through judicial review. Copies of the recordings shall be provided by the arbitrator at the request of any party to the proceeding. Costs of copying the recordings shall be borne by the party requesting the copy. For judicial review, recordings of an individual proceeding, as certified by the arbitrator, may be submitted to the District Court by the arbitrator as part of the record of the proceedings under review without transcription unless otherwise required to be transcribed by the Court.

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.