

Proposed Changes to the Electronic Adjudication Management System Rules

Format Note:

Plain text is current codified language

Proposed changes are shown in underline and ~~strikeout~~.

CALIFORNIA CODE OF REGULATIONS, TITLE 8 DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS CHAPTER 4.5. DIVISION OF WORKERS' COMPENSATION SUBCHAPTER 1.8.5. ELECTRONIC ADJUDICATION MANAGEMENT SYSTEM RULES

ARTICLES 1.2, 1.3 and 2. Electronic Filing, Filing of Documents by Parties or Lien Claimants, Electronic Filing System Rules

ARTICLE 1.2. ELECTRONIC FILING

§ 10205.3. Case ~~Numbers~~Names and Case Index.

~~An index of all cases filed with a district office shall be maintained in EAMS under the name of the person claimed to have been injured or the identification assigned to that person, whether or not that person is an applicant. Reference to the case shall be by the name of the injured person and the case number. Every case filed in EAMS shall be assigned a case number.~~

Note: Authority cited: Sections 111, 133, 138.2(b) and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.

§10205.4. Adjudication Files.

(a) All cases filed on and after the effective date of these regulations shall be maintained by the Division of Workers' Compensation in an electronic format in EAMS. All paper documents properly filed in such cases shall be scanned into the EAMS adjudication file and ~~then~~ may be destroyed no less than 30 business days after filing.

(b) All case opening documents shall be given a case number ~~by the district office~~ where no case number has been previously assigned ~~for the~~ related to the injured worker employee for the alleged date of injury. The parties shall be notified of the case number by the Division of Workers' Compensation ~~their preferred method of service~~.

(c) If a case number has been previously assigned by the Division of Workers' Compensation, a new case number will be assigned when a document is filed as follows: the prefix "ADJ" shall replace the previously assigned three letter prefix (i.e., "OAK") and precede the assigned case number.

(d) Except as provided in section 10208.7, the Division of Workers' Compensation shall maintain a paper adjudication file until it is converted to an electronic adjudication file. If, however, a paper adjudication file is maintained on or after the effective date of these

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regulations, an electronic adjudication file shall also be created and any documents filed thereafter shall be maintained electronically in EAMS, in accordance with subdivision (c).

(e) A paper adjudication file or a portion of a paper adjudication file may be converted to an electronic adjudication file by the Division of Workers' Compensation at any time. ~~If a paper adjudication file is completely scanned into EAMS the Division of Workers' Compensation shall notify the parties to the case of the change in how the file is maintained; and the paper adjudication file may be destroyed no less than 30 business days after the issuance of the notification.~~ The paper adjudication file may be destroyed no less than 30 business days following its conversion to an electronic adjudication file.

Note: Authority cited: Sections 111, 133, 138.2(b) and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.

§10205.5. Official Participant Record and Duty to Furnish Correct Address.

(a) The Division of Workers' Compensation shall maintain an official participant record for each adjudication file, which shall contain the names of all current parties and lien claimants, and their attorneys or hearing representatives.

(b) In order to ensure case parties and documents are accurately associated to the correct electronic adjudication file, uniform names for claims administrators' offices, insurance carriers' offices, lien claimants, and representatives' offices shall be used when filing documents in EAMS. The names will be assigned by the Division of Workers' Compensation.

(1) The Division of Workers' Compensation will collect and maintain a list on its website (~~www.dwc.ca.gov/EAMS~~) of uniform names, electronic addresses, telephone numbers and mailing addresses ~~and preferred method of service~~ for the following entities: claims administrators' offices, insurance carriers' offices, lien claimants, and representatives' offices.

(2) Additions for new claims administrators' offices, insurance carriers' offices, lien claimants, and representatives' offices shall be registered by the entity requesting the addition with the Central Registration Unit and shall include the entity's changes of name, location or mailing address, telephone number, fax number, and e-mail ~~electronic address or preferred method of service shall be registered by the entity requesting the change with the Central Registration Unit.~~

(3) Changes to the name, address, telephone number and electronic address shall be registered by the entity requesting the change with the Central Registration Unit.

(A) The entity requesting the change must ~~fax or e-mail~~ send a letter on letterhead with a signature from an authorized individual requesting the change to the Division of Workers' Compensation's Central Registration Unit designated electronic address within five business days of any change. The entity shall also advise all parties of any change

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of name, mailing address, ~~or telephone number,~~ or electronic address by furnishing the current information within five business days of any change.

(B) ~~The fax number for the Central Registration Unit is: 1 (888) 822-9309. The e-mail electronic address for the Central Registration Unit is: CRU@dir.ca.gov.~~

(C) The new uniform name, mailing address, telephone number, ~~or and electronic address and preferred method of service~~ will be posted by the Central Registration Unit within ten business days of receipt of the request.

(c) Except as required by subdivision (b), every party ~~and every lien claimant~~ having an interest in an active case pending before the district office or appeals board shall advise the district office and all parties of any change of mailing address, electronic address, and telephone numbers by furnishing the current information within five business days of any change.

(d) Every lien claimant that has filed a lien in a case pending in a district office: (1) shall advise all parties within five business days of any change in the identity and/or telephone number of the person with authority to resolve the lien by furnishing the correct name, electronic address, and ~~daytime~~ telephone number of that person to the interested parties; and (2) shall advise the Division of Workers' Compensation of any such change after a declaration of readiness is filed.

(e) Every party ~~and lien claimant~~ having an interest in an inactive case: (1) shall advise all other known parties, ~~lien claimants,~~ attorneys, and hearing representative within five business days of any change of address, ~~(which shall include any change of mailing address, electronic address, and telephone numbers) by furnishing the correct and current address and/or number;~~ and (2) shall advise the Division of Workers' Compensation of any such change within five business days if there is an outstanding award of further medical treatment or if there is continuing jurisdiction pursuant to Labor Code sections 5410, 5803 and 5804.

Note: Authority cited: Sections 111, 133, 138.2(b) and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Sections 126, 5316, 5410, 5504, 5803 and 5804, Labor Code.

§10205.6. Designated Preferred Method of Service. (Repeal)

~~(a) Claims administrators' offices and representatives' offices may designate first class mail, electronic mail or fax as their preferred method of service for receiving documents from the district office and the appeals board. The designated method of service shall be the same for all active cases for that claims administrator's office or representative's office. A party, a lien claimant, or an attorney or other representative for a party or lien claimant who does not or cannot designate a preferred method of service shall be served by first class mail.~~

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~~(b) A represented party, a lien claimant, or an attorney or other representative for a party or lien claimant may agree with any other represented party, lien claimant, or attorney or other representative for a party or lien claimant that any method of service may be utilized for receiving documents between the parties to the agreement. If such an agreement is made, service pursuant to the agreement shall constitute valid service. Absent such an agreement, service between these parties or entities shall be made by first class mail.~~

~~(c) If the service is being made by or on an unrepresented injured worker, unrepresented dependent or unrepresented uninsured employer, then the service shall be made by first class mail.~~

~~Note: Authority cited: Sections 111, 133, 138.2(b) and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.~~

§10205.7. Failure to Comply with the Electronic Adjudication Management System Rules.

(a) If a document is not filed in compliance with the Administrative Director's rules, either because it does not comply with the procedural requirements or with the place of filing requirements, the Administrative Director may ~~in his or her discretion~~ take the following actions:

(1) Correct the defect and file the document; or

(2) Notify the filer that the document is not accepted for filing by service of a Notice of Document Discrepancy. The Notice shall state the discrepancy, the date of the attempted filing, and provide the filer with 15 business days from service to cure the discrepancy. If the document is corrected within 15 business days, or at a later date upon a showing of good cause, it shall be deemed filed on the original date the document was submitted.

(b) Notwithstanding the provisions of subdivision (a), the following documents shall not be filed with the district office or the appeals board, except as a non-duplicative supporting exhibit or upon the order of a workers' compensation administrative law judge or the appeals board. Documents improperly submitted pursuant to this subdivision shall not be accepted for filing or deemed filed and shall not be acknowledged and may be discarded.

(1) letters to opposing parties or counsel;

(2) subpoenas;

(3) notices of taking deposition;

(4) medical appointment letters;

~~(5) proofs of service ordered pursuant to California Code of Regulations, title 8, section 40500;~~

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(65) medical reports, ~~except as required by section 10233;~~

(76) copies of any decision of any federal or state court opinion otherwise available.

(87) copies of any decision of the appeals board or a workers' compensation administrative law judge that is otherwise available.

(98) duplicate medical and medical-legal reports.

(409) ~~ne~~ diagnostic imaging as defined in Labor Code section 139.3, subd. (b)(1), shall not be transmitted to the district office or the appeals board unless it is ordered.

(c) No document shall be accepted for filing ~~sent~~ by electronic mail or by fax, ~~directly to the district office~~. If a document is sent by electronic mail or fax facsimile directly to the district office, it shall not be accepted for filing or deemed filed, and shall not be acknowledged, and may be discarded unless otherwise ~~ordered~~ authorized or instructed by the workers' compensation administrative law judge or the appeals board.

Note: Authority cited: Sections 111, 127, 133, 138.2(b) and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Sections 126 and 139.3, Labor Code.

§10205.8. Corrective Measures for Misfiled or Misdirected Documents into the Case Management System.

(a) The Division of Workers' Compensation may perform document substitution on filed documents; repair scanned documents; and move documents to other adjudication files. A workers' compensation judge or the WCAB may order that a new copy of a document be refiled by a party if the document originally filed is illegible or unreadable in the adjudication file.

(b) A document substitution may occur where a technical problem of readability and/or legibility exists with a filed document. The filer may seek a substitution of the document by filing a petition to substitute. The proposed document for substitution must be appended to a petition to substitute. If the petition to substitute is granted, the proposed document for substitution will replace the document that was unreadable or illegible.

(c) A document repair may occur where a document scanned into an electronic adjudication file by the Division of Workers' Compensation fails to reflect the original paper document. The Division of Workers' Compensation may repair the document so that the scanned image accurately reflects the original paper document. The Division of Workers' Compensation may repair a document at any time or a party may request a document be repaired. EAMS will retain as viewable the original document for those who have access to the electronic file. A workers' compensation judge or the WCAB may order that a new copy of a document be refiled by a party if the document originally filed is illegible or unreadable in the adjudication file.

(d) A document may be moved when a document originally scanned by the Division of Workers' Compensation is filed into the wrong electronic file.

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(e) Documents that are in the process of being substituted or repaired shall not be moved.

(f) The Division of Workers' Compensation will provide notice to all parties of moved, substituted, or repaired documents within 15 business days.

Note: Authority cited: Sections 111, 127, 133, 138.2(b) and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.

§10205.9. Extended System Unavailability.

(a) If, for any reason, there is a technical failure of EAMS for longer than 24 hours, the ~~court administrator~~ Administrative Director, ~~in his or her discretion~~, may declare that EAMS is unavailable for an extended period of time.

(b) After issuing a declaration of extended system unavailability, the Administrative Director shall issue an order that includes, but is not limited to:

(1) requiring that the district office or the appeals board shall serve all documents by first class mail or electronic mail;

(2) providing that filed documents shall be maintained in temporary paper adjudication files;

(3) providing that the time for performing any action, whether by the parties or by the district office, shall be extended by a specified period or until EAMS is declared to be operational; or

(4) requiring or allowing any other actions or remedies, as deemed appropriate under the circumstances.

(c) The Administrative Director shall post the declaration of extended system unavailability on the website of the Division of Workers' Compensation, if the website remains operational, and shall post it at every district office and at the office of the appeals board.

(d) Any declaration of extended unavailability shall remain in effect until the Administrative Director issues a subsequent declaration that EAMS is operational.

(e) The Division of Workers' Compensation will maintain a list of any and all technical failures of EAMS that last longer than 24 hours on its website.

(f) EAMS shall be backed up daily pursuant to the State of California's information technology standards.

Note: Authority cited: Sections 111, 133, 138.2(b) and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Sections 126 and 5700, Labor Code.

ARTICLE 1.3. FILING OF DOCUMENTS BY PARTIES ~~OR LIEN CLAIMANTS~~

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§10205.10. Manner of Filing Documents.

~~(a) Except as provided by section 10603, subd. (a), a~~ All parties shall utilize electronic filing documents in paper form, except for:

(1) As provided for in section 10206.2;

(2) As provided for in section 10677;

(3) Optical character recognition (OCR) forms that are prepared at a hearing or that, for good cause, are filed at trial.

~~(b) All paper d~~ Documents filed in paper form shall be scanned into the electronic adjudication file and then destroyed no less than 30 business days after filing, unless otherwise provided by these rules or ordered by a workers' compensation administrative law judge or the appeals board. ~~A scanned document shall have the same legal effect as a document filed in paper form.~~

~~(c) Each of the following persons or entities shall file optical character recognition forms completed by using a computer or typewriter with the exception of OCR forms that are prepared at a hearing or that, for good cause, are filed at trial:~~

~~(1) any attorneys representing any party or any lien claimant;~~

~~(2) any insurance carrier or any representative of any insurance carrier (including any claims adjuster);~~

~~(3) any self-insured employer or any representative of a self-insured employer (including any claims adjuster);~~

~~(4) any third party administrator or any representative of a third party administrator (including any claims adjuster); and~~

~~(5) any lien claimant or any representative of any lien claimant, with the exception of: (A) a lien claimant (or a non-attorney representative of a lien claimant) asserting a living expenses lien under Labor Code section 4903(c); (B) a lien claimant (or a non-attorney representative of a lien claimant) asserting a burial expenses lien under Labor Code section 4903(d); or (C) a non-governmental lien claimant (or a non-attorney representative of a lien claimant) asserting a spousal or child support expenses lien under Labor Code section 4903(e).~~

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~~(dc)~~ OCR forms will be posted in fillable format on the Division of Workers' Compensation's website (<https://www.dir.ca.gov/dwc/forms.html>). Filers may also request a copy from an Information & Assistance (I&A) Officer.

~~(c)~~ All unrepresented employees, unrepresented dependents, unrepresented uninsured employers, or lien claimants listed in subdivision ©(5)(A), (B) or (C) shall utilize optical character recognition forms, where such forms are required, but if they do not have ready access to a computer or typewriter, printed OCR forms will be available at the district offices and the information added to the form may be hand printed in black ink.

~~(fd)~~ Whenever any party or lien claimant files any document utilizing an optical character recognition form, the party or lien claimant shall use the appropriate OCR form required by these rules.

(e) Whenever any party files any form electronically, the parties shall use the current, approved, State of California workers' compensation form.

~~(gf)~~ ~~Except as set forth in subdivision (e), a~~Any OCR form that was not obtained from the Division of Workers' Compensation's website must function with EAMS in an equivalent manner as the Division's form.

(g) Subject to restrictions or requirements that may be adopted by the Administrative Director or the Workers' Compensation Appeals Board, documents that require a signature may be filed with an electronic signature as authorized in Sections 110.5 and 3206.5 of the Labor Code.

Note: Authority cited: Sections 111, 133 and 5307.3, Labor Code; and Stats. 2011, c.559, §17 (A.B. 1426); 2016, c.144, §3. (A.B. 2296). Reference: Sections 126 and 4903, Labor Code.

~~§10205.11. Electronic Filing Exemption.~~(Repeal)

~~If a document is filed with EAMS as part of the electronic filing trial, that document does not need to be filed in compliance with regulation sections 10205.10 and 10205.12.~~

~~Note: Authority cited: Sections 111, 133 and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.~~

§ 10205.12. Form and Size Requirements for OCR Filed Documents.

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(a) All documents except the medical reports of treating physicians, secondary physicians, qualified or agreed medical evaluators and proposed exhibits, shall be filed in accordance with the following standards:

(1) Only one side of each paper shall be used;

(2) All documents shall be printed with black ink on white paper that is 8 1/2 x 11 inches and at least twelve pound weight. All margins shall be at least 1 inch and shall be without typed or handwritten text in any margin;

(3) The first page shall include a case caption that shall include the name of the ~~injured worker~~ employee or dependent claiming benefits, the name of the employer and the employer's insurer, or indicating the employer is self-insured or uninsured, and a case number if one has been assigned by the district office. If a case number has been assigned the number shall be preceded by the abbreviation ADJ;

(4) All non-form legal pleadings shall contain a heading above the case caption containing the name of the filing attorney, ~~and their state bar membership number,~~ and the attorney's law firm name, ~~and mailing address, telephone number and electronic address;~~

(5) Except as otherwise provided in this section ~~or section 10205.10,~~ all OCR forms and documents shall be printed in Times New Roman, Times, Courier, Palatino, Century Schoolbook ~~or similar serif font~~ of at least 12 points in size or in the default online form or software font;

~~(6) Except as otherwise provided in this section 10205.10, all text added to the OCR forms shall be in capital letters.;~~

~~(7) Response to the request on the OCR forms for social security numbers is optional, not mandatory.;~~

~~(8)~~ A list of body part codes is provided with the document cover sheet form and posted on the Division of Workers' Compensation's website (<https://www.dir.ca.gov/dwc/forms.html>). The codes shall be used on OCR forms to describe the part of the body injured.;

~~(9)~~ A list of district office codes for place of venue is provided with the document cover sheet form and posted on the Division of Workers' Compensation's website (<https://www.dir.ca.gov/dwc/forms.html>). The codes shall be used on OCR forms to describe the district office venue.;

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~~(840)~~ No single document shall exceed 25 pages in length without the prior permission of the appeals board or the presiding workers' compensation administrative law judge of the district office with venue over the case;

~~(944)~~ The text of a document shall be double spaced or one and one half spaces; however, captions, headings, headers, footnotes, footers and block quotations shall be single spaced.;

~~(102)~~ The documents shall be flat, without folds and without staples.;

~~(113)~~ OCR forms have bar codes at the top of the document. No other documents shall have bar codes on the top of the document.

(b) All documents shall be filed with document cover sheets and document separator sheets as follows:

(1) A completed document cover sheet shall be the first page of each individual document or set of documents filed at one time in the same case. The cover sheet provides space for information regarding 15 companion cases. Only the pages filled out need to be filed. A document separator sheet shall precede each document within a set of documents.;

(2) If an individual document includes an attachment, a completed document separator sheet shall precede the attachment and if an individual document includes multiple attachments, a document separator sheet shall precede each individual attachment. Where one proof of service is filed with a single document, ~~A~~ document separator sheet shall not be placed between a the document and the proof of service for that document. Where one proof of service is used for multiple documents, a document separator sheet shall precede the proof of service.;

(3) A list of document titles is provided with the document separator sheet form and posted on the Division of Workers' Compensation's website (<https://www.dir.ca.gov/dwc/forms.html>). The document titles shall be used on the document separator sheet to describe the attached document.;

(4) The document separator sheet requires the filer to list the product delivery units, as defined in section 10205(dd), the date of the attached document, and the author of the attached document.;

~~(5) This subdivision shall not apply to any unrepresented employees, unrepresented dependents or unrepresented uninsured employers who do not have ready access to document cover sheets and document separator sheets.~~

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(c) Oversized documents shall be filed only at the time of trial in accordance with the provisions of section 1060377.

(d) If an unrepresented ~~worker~~ employee, an unrepresented uninsured employer, or an unrepresented dependent does not have ready access to a computer or typewriter and compliance with subdivisions (a)(32) and (a)(5) is not feasible, a hand-printed document may be submitted. Any hand-printed document shall be legible and shall otherwise comply with subdivision (a), including the requirements of subdivision (a)(32) regarding margins and text in the margins.

Note: Authority cited: Sections 111, 133 and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.

§10205.13. Document Cover Sheet Form.

DWC-CA form 10232.1 (Document cover sheet) revision dated 10/2024 is incorporated by reference.

Note: Authority cited: Sections 111, 133 and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.

§10205.14. Document Separator Sheet Form.

DWC-CA form 10205.14 (Document separator sheet) revision dated 10/2020 is incorporated by reference.

Note: Authority cited: Sections 111, 133 and 5307.3, Labor Code; and Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.

ARTICLE 2. ELECTRONIC FILING SYSTEM RULES

§ 10206. Electronic Document Filing; Electronic Adjudication Management System (EAMS) Reference Guide and Instructional Manual for E-Form Filers; Incorporation.

Electronic documents (E-forms) shall be filed upon a form approved by the appeals board. E-form filing shall follow the procedures set forth in the Electronic Adjudication Management System (EAMS) Reference Guide and Instructional Manual for E-Form Filers (EAMS E-Form Filing Reference Guide), ~~dated December 2013~~, which is incorporated by reference. It may be downloaded from the Division of Workers' Compensation through the Department of Industrial Relations' website at www.dir.ca.gov or may be obtained by writing to:

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DIVISION OF WORKERS' COMPENSATION
ATTN: EAMS E-FORM FILING REFERENCE GUIDE
P.O. BOX 71010
OAKLAND, CA 94612

Note: Authority cited: Sections 111, 133, 138.2(b) and 5307.3, Labor Code; Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.

§ 10206.1. Electronic Document Filing; Electronic Adjudication Management System Business Rules for JET Filers; Incorporation.

JET filing shall follow the procedures set forth in the Electronic Adjudication Management System JET File Business Rules and Technical Specifications, ~~Version 4.1, dated December 2013~~, which is incorporated by reference. This document may be downloaded from the Division of Workers' Compensation through the Department of Industrial Relations' website at www.dir.ca.gov or may be obtained by writing to:

DIVISION OF WORKERS' COMPENSATION
ATTN: EAMS JET FILING BUSINESS RULES
P.O. BOX 71010
OAKLAND, CA 94612

Note: Authority cited: Sections 111, 133, 138.2(b) and 5307.23, Labor Code. Reference: Section 126, Labor Code.

§ 10206.2. Electronic Filing Exemption.

All electronic documents must be filed in compliance with the Electronic Adjudication Management System regulations set forth in sections 10205, et seq., except that electronic documents do not need to be filed in compliance with sections 10205.10 and 10205.12. Documents submitted for filing by any unrepresented ~~injured~~ employee, any unrepresented dependent of an ~~injured~~ employee, or any unrepresented uninsured employer may be in paper form.

Note: Authority cited: Sections 111, 133 and 5307.3, Labor Code; Stats. 2011, c. 559, §17 (A.B. 1426). Reference: Section 126, Labor Code.