

en español



Checklists

to help you navigate the
Tennessee Workers' Compensation

Appeals Board

tn.gov/wcappealsboard



1. Appealing **Expedited Hearing** Orders
and Other **Interlocutory** (Non-Final) Orders
2. Appealing a **Compensation** Hearing Order
3. **Briefs** on Appeal
4. Sample: **Certificate of Service**

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CHECKLIST | Use When Appealing Expedited Hearing Orders and Other Interlocutory (Non-Final) Orders

This checklist is used when you are appealing any court order other than the final Compensation Hearing Order.

File all appeal documents with the **trial court** clerk.

1. Filing Your Appeal

- File a **Notice of Appeal** within **7 business days** of the date stamped on the trial judge's order.
- Pay the **\$75** filing fee within **10 calendar days** of filing the Notice of Appeal.
*If unable to pay, file an **Affidavit of Indigency** within **10 calendar days** of filing the Notice of Appeal.*

2. Submitting Testimony from the Trial Court Hearing

• Transcript of the Hearing

- Was a **court reporter** present?
 - **Yes?** *You can **purchase a transcript** from the court reporter.*
 - **No?** *You can **purchase a recording** of the hearing from the trial court clerk and hire a court reporter to transcribe it.*
- The transcript must be filed within **10 business days** of the date the notice of appeal was filed. (You may file a motion asking for more time.)

• Statement of the Evidence

*If you do not provide a transcript of the hearing, you can prepare and file a **statement of the evidence**, which is a written summary of live witness testimony. You must file this statement within **10 business days** of the date the notice of appeal was filed. The other side will have an opportunity to object or offer revisions to the statement. This written summary **must be certified by the trial judge as accurate.***

3. Filing Briefs on Appeal

- If **you (the employee)** filed the Notice of Appeal, file a brief within **10 business days** of the expiration of the time to file a transcript or joint statement of the evidence.
- If **your employer** filed the Notice of Appeal:
 - File a brief in response to your employer's brief within **10 business days** of the filing of your employer's brief.
*Your employer may file a **reply brief** within five (5) business days of the filing of your brief only to address issues you raised in your brief that were not previously addressed in your employer's brief.*
 - If your employer did **not** file a brief, you may file a brief within **10 business days** after your employer's deadline to file one has passed.

CHECKLIST | Use When Appealing a Compensation Hearing Order

Unless otherwise indicated, file all documents with the **trial court** clerk.

1. Filing Your Appeal

- File a **Notice of Appeal** within **30 calendar days** of the date stamped on the trial judge's order.
- Pay the **\$75** filing fee within **10 calendar days** of filing the Notice of Appeal.
*If unable to pay, file an **Affidavit of Indigency** within **10 calendar days** of filing the Notice of Appeal.*

2. Submitting Testimony from the Trial Court Hearing

- **Transcript of the Hearing**
 - Was a **court reporter** present?
 - **Yes?** *You can **purchase a transcript** from the court reporter.*
 - **No?** *You can **purchase a recording** of the hearing from the trial court and hire a court reporter to transcribe it.*
 - The transcript must be filed within **15 calendar days** of the date the notice of appeal was filed. (You may file a motion asking for more time.)
- **Statement of the Evidence**
*If you do not provide a transcript of the hearing, you can prepare and file a **statement of the evidence**, which is a written summary of live witness testimony. You must file this statement within **15 calendar days** of the date the notice of appeal was filed. The other side will have an opportunity to object or offer revisions to the statement. This written summary **must be certified by the trial judge as accurate.***

3. Filing Briefs on Appeal—must be filed with the **Appeals Board** Clerk

- If **you** filed the Notice of Appeal, file a brief within **15 calendar days** of the date stamped on the Docketing Notice that was issued to you.
*If your employer files a brief in response, you may file a **reply brief** only to address issues your employer raises in its brief that you did not address in yours.*
- If **your employer** filed the Notice of Appeal:
 - File a brief in response to your employer's brief within **15 calendar days** of your employer filing its brief.
*Your employer may file a **reply brief** only to address issues you raised in your brief that were not previously addressed in your employer's brief.*
 - If your employer did **not** file a brief, you may file a brief within **15 calendar days** after your employer's deadline to file one has passed.

CHECKLIST | Briefs on Appeal

□ Elements of a Brief

• What Your Brief Should Include

- ✓ A Table of **Contents**, with references to the pages in the brief on which each section begins
- ✓ A Table of **Authorities**, which is a list of the sources you cite, including cases (in alphabetical order), statutes, and other authorities cited, with references to the pages in the brief where they are cited
- ✓ Each **Issue** you wish to present on appeal
- ✓ How the trial judge **ruled** in your case
- ✓ A Summary of the **Facts**
- ✓ Your **Argument** as to why you believe the trial judge's order was right or wrong with respect to each issue raised
*The argument section is limited to a **maximum** of **15 pages** unless otherwise directed by the Appeals Board.*
- ✓ A short **Conclusion** stating what you would like the Appeals Board to do with respect to your case
- ✓ A **Certificate of Service** showing that your brief has been signed by you and served upon your employer (see below)

• What Your Brief Should Not Include

- ✓ Any attached documents or evidence **unless** that evidence was admitted during your hearing or was excluded by the trial judge but marked for "**Identification Only**"

Sample | Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon counsel for the [insert name of other party] by [first class mail, postage prepaid OR hand-delivery OR via email,] addressed to:

Adam Attorney
Adam Attorney, Attorney-at-Law
1234 Law Office Lane
Worker City, Tennessee 37512
adam.attorney@adamattorneylaw.com

on this the _____ day of [month], [year].

[insert your signature]

_____ [print your name]