

**Motions for relief under I.C. 72-316, 72-434 or 72-435**

**A. Scope**

An employer who seeks relief pursuant to the provisions of Idaho Code 72-316, 72-434 or 72-435 shall obtain the prior approval of the commission using the procedure set forth below:

**B. Procedure**

1. Employer shall make application to the commission for relief in the form of a motion and supporting memorandum and any other supporting documents. Such motion may be filed at any time, regardless of whether a complaint has been filed pursuant to JRP 3.
2. Claimant shall file a responsive memorandum along with any supporting documents within ten days after the filing of employer's motion.
3. Employer may reply within ten days after the filing of claimant's response.
4. Filing and service of the aforementioned pleadings shall be accomplished as set forth in JRP 4 A.
4. A hearing may be waived by stipulation of the parties, in which case the Commission's decision shall be based on the written submissions of the parties. Otherwise, the Commission shall hold an expedited hearing on the motion within 30 days after the filing of the employer's motion, or at such other time as the parties and the Commission may agree upon. The hearing may be conducted remotely or in person, at the discretion of the Commission. Notice of hearing shall be given in accordance with I.C. 72-713. Exhibits, affidavits, and other documentation intended to be offered as evidence must be served on the opposing party at least 48 hours prior to hearing. The parties shall be afforded the opportunity to present witnesses at hearing. The Commission shall issue an order approving or denying the relief sought within 21 days after the stipulation of the parties, or the date of hearing.
5. The decision of the Commission shall not be subject to review on appeal until all issues relating to the claim have been decided by the Commission.
6. Nothing in this rule shall prevent employer from raising I.C. 72-316 or 72-435 as a defense to the payment of further benefits at hearing on the merits of a claim for additional medical and indemnity benefits.