

Rule 9.04

WORKERS COMPENSATION CASE

- (a) **Petition.** When an appeal is taken from the workers compensation board to the Court of Appeals under K.S.A. 44-556, the appellant must file with the clerk of the appellate courts a petition for judicial review in compliance with K.S.A. 77-614. The petition for judicial review must be:
 - (1) accompanied by certified copies of the decision(s) of the administrative law judge, the request for workers compensation board review, and the order of the workers compensation board;
 - (2) accompanied by the docket fee, any applicable surcharge, and the docketing statement required by Rule 2.04; and
 - (3) served in compliance with K.S.A. 77-613 through 77-615.
- (b) **Cross-appeal.** If a party seeks to cross-appeal under K.S.A. 44-556, the party must file a cross-petition for review that complies with K.S.A. 77-614.
- (c) **Record and Transcript Requests.** No later than 14 days after the filing of a petition for judicial review under subsection (a), the appellant must:
 - (1) request in writing that the director certify the record of the proceedings;
 - (2) if a hearing before the board was recorded, request a transcript; and
 - (3) file copies of the requests for transcript and certification of the record with the clerk of the appellate courts and serve copies on all other parties at the time the requests are filed with the director.
- (d) **Transcript Preparation; Advance Payment.** The transcript must be prepared and advance payment made under Rule 3.03.
- (e) **Transmission.** On completion of the transcript, if any, the director promptly must transmit the record to the clerk of the appellate courts and send notice of the transmission—with a copy of the table of contents of the record—to the parties.
- (f) **Appellant's Brief.** The brief of the appellant must be filed no later than 30 days after the date the record is transmitted to the appellate courts.
- (g) **Rules Relating to Appellate Practice Apply.** The rules relating to appellate practice govern all other proceedings and matters in an appeal under K.S.A. 44-556 not provided for in this rule.

[**History:** New rule effective July 28, 1995; Am. effective March 11, 1999; Am. effective July 7, 2008; Am. (b) effective July 1, 2010; Restyled rule effective July 1, 2012.]