

**THE INDUSTRIAL ACCIDENT BOARD
OF THE STATE OF DELAWARE**

ORDER

WHEREAS, in response to the fact that the Center for Disease Control and Prevention has determined that a novel coronavirus ("COVID-19") presents a serious public health threat, as of March 16, 2020, the Delaware Department of Labor has suspended public access to all offices until further notice.

WHEREAS, on March 16, 2020, in order to protect the health of the Board Members, Hearing Officers, staff, litigants, witnesses and the public, the Industrial Accident Board suspended/continued all Industrial Accident Board hearings through April 3, 2020, subject to review and extension and subject to further order of the Board.

WHEREAS, the Delaware Supreme Court, on March 22, 2020, issued a directive closing all court facilities until at least April 15, 2020, but indicating that “[a]ll non-emergency and non-essential telephonic and video hearings shall proceed at the discretion of each court.”

WHEREAS, the Industrial Accident Board has the capability of conducting some video hearings using the WebEx Meeting program, including merit hearings, evidentiary hearings and motion hearings.

NOW, THEREFORE, it is **HEREBY ORDERED**, that hearings scheduled through April 10, 2020 are hereby suspended/continued. Beginning Monday, April 13, 2020, and subject

to further order of the Board, there will be an availability to hold video hearings on disputed matters (including merit hearings, evidentiary hearings and legal motion hearings) before the IAB under the following conditions:


- (1) The parties agree that the hearing is to be held before a Hearing Officer of the Board in accordance with section 2301B(a)(4), title 19 of the Delaware Code.
- (2) All participants, including attorneys, claimants and “live” witnesses, must have the technological capability to participate by video, whether through their home or office desktop computers, laptops, iPads or (as a last resort) smartphone.¹
- (3) At least twenty-four hours prior to the scheduled hearing, all exhibits (including, but not limited to, Hearing Stipulations, depositions, surveillance videos, attorney’s fee affidavits and settlement offers) must be sent electronically to the Chief Hearing Officer or his designee, with each document separately and clearly identified. Failure to submit exhibits in accordance with this timeframe may result in the hearing being postponed. Documents are to be sent in either PDF or Word format. Any submitted video shall be in a common video format such as .wmv, .mpg, .mov or the like.
- (4) Promptly after the hearing, clean hard-copies of all such exhibits are to be mailed to the Hearing Officer in charge of the hearing for inclusion in the Board’s file. Unless otherwise requested by the Hearing Officer, only a single copy of each exhibit needs to be mailed.
- (5) The Board, in the exercise of its sound discretion, may decline to proceed with any video hearing if the complexity or features of the case make it unfeasible to handle by video hearing.


¹ The Board wishes to emphasize that it is not in any way suggesting that any participant is required to travel to an attorney’s office or other location in order to participate. The Governor’s travel restrictions are to be complied with.

If a party to a currently scheduled hearing cannot meet or agree to these requirements, then that scheduled hearing will be deemed continued and rescheduled for a later time. If the parties believe that there is a need for such a rescheduled hearing to be moved out 60 or more days from the currently scheduled hearing date, the parties should prepare a formal continuance order.

IT IS SO ORDERED this 31st day of March, 2020.

INDUSTRIAL ACCIDENT BOARD


MARK A. MUROWANY
Chair, Industrial Accident Board


CHRISTOPHER F. BAUM
Chief Hearing Officer