

DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
Industrial Accident Board

Statutory Authority: 19 Delaware Code, Sections 105 and 2301A (19 **Del.C.** §§105 & 2301A)
19 **DE Admin. Code** 1331

ERRATA

1331 Industrial Accident Board Regulations

*** Please Note:** The Regulation for the Department of Labor, Division of Industrial Affairs, Industrial Accident Board, 19 **DE Admin. Code** 1331, Section 9.0 regarding Pre-Trial Memorandums was published as proposed in the *Delaware Register of Regulations*, 26 **DE Reg.** 538 (01/01/23). A submitted amendment to subsection 9.2.3 was inadvertently not corrected as approved. In addition, a change to subsection 9.3.7 was inadvertently not underlined.

The revision for subsection 9.2.3 was inadvertently published as:

9.2.3 In the event the Pre-Trial Memorandum has not been filed with the Department ~~before the pre-trial scheduling conference or within the time specified in the notice provided by the Department in the time specified in subsection 9.2.2~~, either party may file a motion pursuant to ~~Rule 8 Section 8.0~~ seeking an Order from the Board to compel the opposing party to complete and/or file a completed Pre-Trial Memorandum by a date ~~certain~~. certain providing notice of the filing to the moving party. Should any party fail to complete a Pre-Trial Memorandum the Board may remedy the deficiency by removing witnesses, rescheduling the Hearing, striking issues and/or defenses, and/or taking any other actions deemed appropriate to remedy prejudice to an opposing party and to facilitate the fair and orderly presentation of issues.

Subsection 9.2.3 should have read as:

9.2.3 In the event the Pre-Trial Memorandum has not been filed with the Department ~~before the pre-trial scheduling conference or within the time specified in the notice provided by the Department in the time specified in subsection 9.2.2~~, either party may file a motion pursuant to ~~Rule 8 Section 8.0~~ seeking an Order from the Board to compel the opposing party to complete ~~and/or or~~ file a completed Pre-Trial Memorandum by a date ~~certain~~. certain providing notice of the filing to the moving party. Should any party fail to complete a Pre-Trial Memorandum the Board may remedy the deficiency by removing witnesses, rescheduling the Hearing, striking issues or defenses, or taking any other actions deemed appropriate to remedy prejudice to an opposing party and to facilitate the fair and orderly presentation of issues.

Subsection 9.3.7 should have read as:

9.3.7 ~~an~~ An accurate estimate of the time necessary for hearing. This requirement includes an ongoing responsibility to update to Board as to any changes in the estimated trial time that may arise before hearing.

The regulation will be published as final in the May 2023 *Register* and is effective as stated in that publication. See 26 **DE Reg.** 966 (05/01/23).

26 DE Reg. 907 (05/01/23) (Errata)