

**(a)** A party desiring to raise the issue of Second Injury Fund Liability shall:

**(1)** name as a party the State Treasurer, as custodian of the Fund, by notifying the Special Funds Administrator of the Workers' Compensation Commission and all other parties, no later than thirty (30) days before the date of the first hearing on the issue of the extent of permanent disability in writing by a form of mail requiring a signed receipt; and

**(2)** specify the basis for the party's claim on Second Injury Fund liability; and

**(3)** provide all documentary and other evidence the party wishes to rely upon to support the claim of liability.

**(b)** Failure to comply with each subsection of (a) of this rule shall constitute a waiver of a claim of Second Injury Fund liability, unless the issue of Second Injury Fund liability arises in a way which could not have been reasonably foreseen. If the issue of Second Injury Fund liability arises during a hearing on the issue of extent of permanent disability, the proceedings shall immediately terminate and be continued until such time as all provisions of (a) are satisfied. If the issue of Second Injury Fund liability arises prior to a hearing on the issue of the extent of permanent disability, said hearing shall be continued until such time as (a) of this rule is satisfied.

**(c)** In the event of waiver of claim of Second Injury Fund liability, the rights of the claimant pursuant to the Workers' Compensation Act will not be affected. (Effective date April 1, 1989)