



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
PO BOX 381
TRENTON, NEW JERSEY 08625-0381

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

HAROLD J WIRTHS
Acting Commissioner

MEMORANDUM

March 12, 2010

To: All Judges and Attorneys
From: Peter J. Calderone, Director and Chief Judge *PJC*
Subject: Dismissal As to Carrier

We are advised of delays in dismissing carriers who are mistakenly listed on claim petitions. If a carrier is not the correct carrier, the dismissal as to carrier form (order) should be entered without the need for a formal motion and dismissal should not be delayed until the correct carrier answers the claim petition. Such dismissals are without prejudice and the carrier can be reinstated at a later date if new information establishes that the dismissed carrier was in fact the correct carrier.

A carrier is not required to prove the negative that the carrier did not cover a respondent. It is helpful if the carrier can provide information from CRIB or other sources as to the correct carrier if the respondent is insured. However, the petitioner must provide some sufficient basis for listing a carrier and keeping the carrier in the case if the petitioner objects to the dismissal as to carrier.

This process is only intended where a carrier did not provide insurance and a dismissal as to carrier should not be utilized when there is an issue of policy cancellation or policy non-renewal, which cases must be transferred to the Uninsured Employer's Fund list.

Thank you for your assistance in resolving incorrect carrier listings.

New Jersey Is An Equal Opportunity Employer



DIVISION OF WORKERS' COMPENSATION
(609) 292-2515 · FAX (609) 984-2515

AD-18.14 (R 02-10)