



1936

Our Supreme Court Holds

North Dakota State Bar Association

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Recommended Citation

North Dakota State Bar Association (1936) "Our Supreme Court Holds," *North Dakota Law Review*: Vol. 13 : No. 9 , Article 3.

Available at: <https://commons.und.edu/ndlr/vol13/iss9/3>

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That this association in co-operation with the District Courts of this state issue a pamphlet in regard to jurors and juror duty for distribution over the state to prospective jurors, boards and officers.

And elected the following officers.—L. J. Palda, Jr., Minot, President; Aloys Wartner, Harvey, Vice-president; M. L. McBride, Dickinson, Secretary-Treasurer.

OUR SUPREME COURT HOLDS

In *H. O. Pearce, vs. North Dakota Workmen's Compensation Bureau, from Burleigh County.*

That, Section 396a17 of the Supplement, as amended by Chapter 286 of the Session Laws of 1935, provides that the Workmen's Compensation Bureau "shall have full power and authority to hear and determine all questions within its jurisdiction and its decisions thereon shall be final. Provided, however, in case the final action of such Bureau denies the right of the claimant to participate at all in the Workmen's Compensation Fund * * *" upon any ground going to the basis of the claimant's right, the claimant may appeal to the district court and is entitled to a trial in the ordinary way. The refusal of the Workmen's Compensation Bureau to permit a claimant to participate in the fund on the ground that his claim was not filed in time is a denial of the "right of the claimant to participate at all" in the fund based upon a ground going to the basis of the claimant's right and, therefore, is subject to review on appeal.

That, Section 396a15 of the Supplement provides:

"All original claims for compensation for disability or death shall be made within sixty days after the injury or death. For any reasonable cause shown the bureau may allow original claims for compensation for disability or death to be made at any time within one year."

That the case of an original meritorious claim filed within sixty days after the injury was received, the claimant is entitled to participate in the fund. Where such claim is not filed until after the expiration of sixty days, but within one year from the date thereof, the claimant must show to the bureau reasonable grounds for permitting him to file his claim. In such case the bureau in its discretion, determines in the first instance whether the claim may be filed and the claimant be permitted to participate in the fund. The exercise of such discretion is not an arbitrary power, nor is the decision of the bureau therein conclusive, but may be reviewed on appeal.

That where the appellant appeals upon the findings as made by the district court but asserts wrong conclusions have been drawn and therefore the court has entered the wrong judgment, he may not on such appeal, have a review of the testimony in order to determine the accuracy of any of the findings.