

**STATE of NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In re: Nature's Classroom

NOTICE OF HEARING

Docket No.: Ins 13-033-AP

WHEREAS, Nature's Classroom ("Petitioner") is a Commonwealth of Massachusetts employer with a New Hampshire location and New Hampshire employees located at 9 Cody Road, Hancock, New Hampshire; and

WHEREAS, Petitioner obtained its workers' compensation coverage through the Workers Compensation Insurance Plan, which is the assigned risk market in New Hampshire, and secured a policy from Travelers Indemnity Company ("Travelers"), policy number 6KUB0719C86312, effective July 1, 2012; and

WHEREAS, Petitioner disputed its class code determination which, as a result of an NCCI inspection conducted March 18, 2013, was changed from Code 8868 and Code 9101 to Code 9012 and Code 9015 respectively; and

WHEREAS, Petitioner's appeal was heard by the New Hampshire Workers' Compensation Appeals Board ("Board") on September 26, 2013, in accordance with the Operational Rules of the Workers Compensation Insurance Plan as approved by the Commissioner pursuant to RSA 404-C:13; and

WHEREAS, the National Council on Compensation Insurance, Inc. ("NCCI"), administrator of the Workers Compensation Insurance Plan, on October 2, 2013, provided Petitioner with a copy of the Case Summary: Notice of Decision, wherein the Board voted that "for policy number 6KUB0719C86312 effective July 1, 2012, the correct classification codes are Codes 9012 and 9015"; and

WHEREAS, the New Hampshire's Operational Rules for the Workers Compensation Insurance Plan provides that any party to an action or proceeding may appeal the decision of the Board to the Commissioner of the New Hampshire Insurance Department ("Department") within 30 days; and

WHEREAS, Petitioner, filed an appeal letter dated October 13, 2013 and received by the Department October 18, 2013.

NOW THEREFORE, the Department finds and rules as follows:

A. The filing of the Petitioner's appeal is timely.

B. A hearing in this matter will be held on **November 18, 2013, at 9:00 am** in the offices of the Department, 21 South Fruit Street, Suite 14, Concord, New Hampshire in accordance with the rules governing hearings and set forth at Ins 200, unless a request to

reschedule to an earlier or later date is made and granted, or a change in the date and time of the hearing otherwise is made in accordance with Ins 204.12.

C. These proceedings shall be conducted in accordance with the provisions of RSA 541-A and New Hampshire Code of Administrative Rules Ins 200. A copy of the Administrative Rules governing the hearing may be obtained through the Department's website at www.state.nh.us/insurance.

D. Pursuant to the provisions of Ins 203.04, if the Petitioner elects to be represented by counsel, the Petitioner shall be responsible for his own attorney's fees and costs, and the Petitioner's attorney shall file a notice of appearance at the earliest possible date.

E. The Petitioner may request that the hearing be transcribed pursuant to Ins 204.18. The Petitioner shall bear the cost of retaining a certified court reporter to transcribe the hearing. If the Petitioner wishes to have the hearing transcribed, the Petitioner shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date.

F. A Hearing Officer shall be appointed to conduct the hearing in accordance with Ins 203.01. All documents, including appearances or motions of any kind, shall be filed to the attention of the Hearing Clerk at the address below, in the form of an original and one (1) copy and shall bear a certification that a copy has also been delivered to all other parties to this matter in accordance with New Hampshire Code of Administrative Rule Ins 204.09.

***Sarah Prescott, Hearing Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
Email: sarah.prescott@ins.nh.gov***

G. The Petitioner's failure to appear at the time, date and place specified herein shall result in the hearing being held *in absentia* and pursuant to RSA 400-A:19,VII, the validity of a hearing conducted with proper notice shall not be affected by the failure of any person to attend or remain in attendance.

SO ORDERED.

Dated: October 29, 2013



Roger A. Sevigny, Insurance Commissioner