§ 143-166.19. Determination of cause and extent of incapacity; hearing before Industrial
Commission; appeal; effect of refusal to perform duties.

Upon the filing of the report, the secretary or other head of the department or, in the case of
the General Assembly, the Legislative Services Officer, shall determine the cause of the
incapacity and to what extent the claimant may be assigned to other than the claimant's normal
duties. The finding of the secretary or other head of the department shall determine the right of
the claimant to benefits under this Article. Notice of the finding shall be filed with the North
Carolina Industrial Commission. The finding of the secretary or other department head shall be
final unless the claimant, within 30 days of receipt of the notice, files a request for a hearing
with the North Carolina Industrial Commission using a form required by the Commission.
Upon the filing of a request, the North Carolina Industrial Commission shall proceed to hear
the matter in accordance with its regularly established procedure for hearing claims filed under
the Worker's Compensation Act, and shall report its findings to the secretary or other head of
the department. From the decision of the North Carolina Industrial Commission, an appeal shall
lie as in other matters heard and determined by the Commission. Any person who refuses to
perform any duties to which the person may be properly assigned as a result of the finding of
the secretary, other head of the department or of the North Carolina Industrial Commission
shall be entitled to no benefits pursuant to this Article as long as the refusal continues. Any
eligible person whose salary continuation benefits are terminated by the secretary or other head
of the department shall be immediately entitled to benefits under G.S. 97-29 or G.S. 97-30.
Such benefits under G.S. 97-29 or G.S. 97-30 shall only be suspended or terminated by the
employer pursuant to G.S. 97-18.1. (1979, 2nd Sess., c. 1272, s. 1; 1981, c. 348, s. 3;
2014-100, s. 35.12(a).)