

Instructions on Filing an Appeal to the Superior Court on or after July 1, 2023

Please note that O.C.G.A. § 34-9-105 has been amended by the legislature as part of the newly introduced Superior and State Court Appellate Practice Act (see O.C.G.A. 5- 3-1, et seq.; 5-4-1 et. seq.). The Superior and State Court Appellate Practice Act repeals and replaces Georgia’s notice of appeal and certiorari review statutes with a unified “**petition for review**” procedure for appealing cases from a lower judicatory such as the Georgia State Board of Workers’ Compensation. This new procedure applies to any request for superior or state court review filed on or after July 1, 2023.

The amended procedure set forth in O.C.G.A. § 34-9-105 became effective July 1, 2023. Please refer directly to O.C.G.A. § 34-9-105, Board Rule 105, and the Superior and State Court Appellate Practice Act for specific requirements and procedures.

Effective July 1, 2023, if you are not satisfied with a final award or order of the Appellate Division of the State Board of Workers’ Compensation, you must file an appeal (petition for review) with the superior court of the county in which the injury occurred¹, or if the injury occurred outside the state, with the superior court in which the original hearing was held, no later than 20 days from the date on the award or order.

Please direct any questions regarding the filing of superior court appeals to the proper superior court. Filing costs and additional procedures may apply and vary from county to county.

The Georgia Administrative Office of the Courts (AOC) has provided a model template for the petition for review that appears to be required by some Superior Courts. This model petition is attached and can be filled in and adapted to the unique circumstances of your case.

A **COPY** of the petition for review shall simultaneously be filed electronically through ICMS, but in no event later than 5 days after the petition for review is filed with the Superior Court in accordance with O.C.G. A. §5-3-7(h), which satisfies the statutory requirement that a copy of the petition be served on the clerk of the Board. The ICMS document type is “Superior Court / Copy of Petition for Review.” Parties without access to ICMS may file a **copy** of the petition for review in paper with any Board office by hand delivery or mail to the following address:

State Board of Workers’ Compensation
Attn: Copy of Petition for Review
270 Peachtree Street, N.W.
Atlanta, GA 30303-1299

¹ The county of injury can be found in the administrative law judge’s award or order. If the injury occurred outside of the state of Georgia, the superior court appeal should be filed in the county where the original hearing before the administrative law judge was held.

IMPORTANT: Superior court appeals should not be filed with the Georgia State Board of Workers' Compensation on or after July 1, 2023. The Board should only receive a COPY. If your superior court appeal is filed in the wrong venue, it could be dismissed

After receiving a copy of the petition for review (appeal), the State Board of Workers' Compensation shall transmit certified copies of all documents and papers in its file together with a transcript of the testimony taken and its findings of fact and decision to the clerk of the superior court where the petition for review is filed. The Board will transmit the aforementioned documents within 30 days of receipt of the copy of the petition for review. The appealing party shall pay the reasonable copying and transmittal costs of the Board. Upon good cause shown, the Board may waive the copying and transmittal costs.

A copy of the petition for review must be received by the Board in order for a certified copy of the record to be transmitted to the superior court. A certificate of payment of costs is attached to the transmittal letter sent by the Board to superior court. Please note O.C.G.A. § 5-3-16 (e) requires the petitioner to file this certificate with the Superior Court within five days of issuance.

Please read O.C.G.A. § 34-9-105, the statute governing appeals from the State Board of Workers' Compensation to higher courts, including appeals to superior court, effective July 1, 2023, and Board Rule 105, effective July 1, 2024. You should also review the Superior and State Court Appellate Practice Act (O.C.G.A. §§ 5-3-1 to 5-3-21 effective July 1, 2023) for specific requirements and procedures.

It is your responsibility to familiarize yourself with the appellate process. The State Board of Workers' Compensation cannot provide legal advice or guidance.

If you have any other questions concerning the Appellate Division, you may contact us at 404/656-9688.