

the National Insurance Court



Service statement for the National Insurance Court

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Service Statement

for the National Insurance Court

This service statement describes the content and quality of the National Insurance Court's services. We hope that it will clarify your expectations regarding the way we handle appeals.

THE ORGANISATION OF THE NATIONAL INSURANCE COURT AND ITS MAIN TASKS

THE COURT ITSELF

The National Insurance Court's responsibility is to consider appeals against decisions made on private individuals' entitlement to pensions and other national insurance benefits - in other words, their rights and obligations under the Acts governing national insurance, child benefit, war pensions, and government and municipal pension funds. In reality, the National Insurance Court acts as a specialist court even though it is not part of the judicial system.

In practice, the National Insurance Court is the final instance for considering claims in respect of pensions or other national insurance benefits. Its purpose is to help provide a particularly high degree of legal protection in these cases. Any decisions of the Court may be reviewed by the Court of Appeals (lagmannsretten).

The National Insurance Court is situated in Oslo, and deals with appeals from across the country. The Court is divided into four specialist departments each handling all kinds of cases, and an administrative department.

The leader of the Court, his deputy and about 20 permanent members of the Court are lawyers, and about 10 permanent members of the court have professional medical expertise or skills in rehabilitation. In addition, there are 12-14 deputy members of the Court.

The National Insurance Court has approx. 60 person-years at its disposal. A Court normally comprises two or three judges (Court members/ Court deputy members) depending on the nature of the case.

THE AIM OF THE NATIONAL INSURANCE COURT

The court will

- consider and decide cases in accordance with the Act governing appeals to the National Insurance Court
- take proper decisions where rulings will be in accordance with current legislation and regulations
- decide cases within a reasonable time
- make court orders that establish guidelines for the National Labour and Welfare Organisation (NAV), pension funds and for other legal applications within the fields of national insurance and pension law
- consider and decide cases in such a way as to promote confidence

TYPES OF CASES

The National Insurance Court deals with appeals against decisions taken by the National Labour and Welfare Organisation (NAV) and public service pension funds.

The main fields of casework are as follows

- Disability pensions
- Occupational injuries
- Basic benefit and attendance benefit
- Benefits during medical rehabilitation
- Daily cash allowance during unemployment
- Benefits during occupation-oriented rehabilitation
- Daily cash sickness allowance
- Administrative decisions
- War pensions
- Ancillary aid benefit, e.g. for car
- Norwegian Public Service Pension Fund
- Pensions from municipal and county municipal pension funds

CASE PROCEDURE AND CONSIDERATION

CASE PROCEDURE

The rules for the consideration of cases by the National Insurance Court are set out in Act No. 9 of 16 December 1966 governing appeals to the National Insurance Court.

A rejection of national insurance benefit claims may be appealed to the National Insurance Court after the case has been finally decided by the service that made the decision. In other words, any right of appeal to the superior instance must have been exercised first.

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The time limit for appeals to the Court is six weeks from the date on which you received notice of the decision.

The appeal must be submitted either in writing or verbally to your national insurance office (NAV office) or pension fund. If you submit a verbal appeal, the office concerned must assist you in drawing up a written appeal.

Before the appeal is submitted to the National Insurance Court, the agency taking the decision against which the appeal is being lodged, will prepare the case for consideration. A fresh examination of the case will be conducted and you will get a copy of the new submission and have the opportunity to state your case.

It is only when the case has been received by the National Insurance Court that the consideration procedure starts at our end. You will receive a written notice from us to say the case has been received.

CASE CONSIDERATION AT THE NATIONAL INSURANCE COURT

Case considerations are mainly in writing and all the documents in the case will follow throughout proceedings. The Court will ensure that proper light is shed on all aspects of the case.

The reasons for the Court's decision will be announced and the decision taken by simple majority. If the Court unanimously decides that the appeal cannot be upheld and the resulting order cannot be regarded as having a bearing on matters outside this present case, the Court may make a court order with simplified reasoning.

During the last few years the outcome of considerations by the National Insurance Court has been that 13–16% of decisions were amended in favour of the appellant.

No fees are involved in considerations by the Court.

RESPONSE TIME

The National Insurance Court makes about 3 000 rulings per year.

The response time varies somewhat between the different types of case. On average, the response time for a decision is 3-5 months.

You can expect that of all appeals about 80% will be dealt with finally within six months. Individual cases may require somewhat longer, especially if further information has to be collected. You will be given more details if the consideration time will be substantially more than six months. No cases will take longer than 9 months provided that the National Insurance Court is able to control progress.

FREE LEGAL AID

You are entitled to assistance by a counsel/lawyer. The Court may grant you free legal aid for legal representation if the Court finds that legal advice is necessary or reasonable in your case. The financial aid is means tested.

A lawyer will be able to advise you in more detail about the conditions.

LEGAL COSTS OF THE CASE

The Court can decide that the other party must pay any necessary expenses you incur in connection with the appeal. Usually this will apply to the cost of legal aid. A condition is that the Court has amended the decision to your advantage.

ADDRESSES AND OFFICE HOURS

The National Insurance Court has offices in central Oslo at Grønlandsleiret 27.

Our postal address is:
Trygderetten
PO Box 8022 Dep.
NO-0030 Oslo

Office hours:
08.00 to 15.45 (15 September to 14 May)
08.00 to 15.00 (15 May to 14 September)

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