
SUBSTITUTE HOUSE BILL 2496

State of Washington

52nd Legislature

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By House Committee on Commerce & Labor (originally sponsored by Representatives Jones, Fuhrman, Heavey, Lisk, Vance, G. Cole, Franklin, Prentice, O'Brien and Paris)

Read first time 02/07/92.

1 AN ACT Relating to notice of an industrial insurance appeal; and
2 amending RCW 51.52.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 51.52.110 and 1988 c 202 s 49 are each amended to read
5 as follows:

6 Within thirty days after a decision of the board to deny the
7 petition or petitions for review upon such appeal has been communicated
8 to such worker, beneficiary, employer or other person, or within thirty
9 days after the final decision and order of the board upon such appeal
10 has been communicated to such worker, beneficiary, employer or other
11 person, or within thirty days after the appeal is denied as herein
12 provided, such worker, beneficiary, employer or other person aggrieved
13 by the decision and order of the board may appeal to the superior
14 court. If such worker, beneficiary, employer, or other person fails to

1 file with the superior court its appeal as provided in this section
2 within said thirty days, the decision of the board to deny the petition
3 or petitions for review or the final decision and order of the board
4 shall become final.

5 In cases involving injured workers, an appeal to the superior court
6 shall be to the superior court of the county of residence of the worker
7 or beneficiary, as shown by the department's records, or to the
8 superior court of the county wherein the injury occurred or where
9 neither the county of residence nor the county wherein the injury
10 occurred are in the state of Washington then the appeal may be directed
11 to the superior court for Thurston county. In all other cases the
12 appeal shall be to the superior court of Thurston county. Such appeal
13 shall be perfected by filing with the clerk of the court a notice of
14 appeal and by serving a copy thereof by mail, or personally, on the
15 director ~~((and))~~, on the board, on the worker or on the beneficiary,
16 and on any other person who appears as a party at the board's
17 proceeding. If the case is one involving a self-insurer, a copy of the
18 notice of appeal shall also be served by mail, or personally, on such
19 self-insurer. An appeal shall not be dismissed for failure to comply
20 with the notice provisions of this section where there has been
21 substantial compliance by the petitioner with the intent of this
22 section. The department shall, in all cases not involving a self-
23 insurer, within twenty days after the receipt of such notice of appeal,
24 serve and file its notice of appearance and such appeal shall thereupon
25 be deemed at issue. If the case is one involving a self-insurer, such
26 self-insurer shall, within twenty days after receipt of such notice of
27 appeal, serve and file its notice of appearance and such appeal shall
28 thereupon be deemed to be at issue. In such cases the department may
29 appear and take part in any proceedings. The board shall serve upon
30 the appealing party, the director, the worker or the beneficiary, the

1 self-insurer if the case involves a self-insurer, and any other party
2 appearing at the board's proceeding, and file with the clerk of the
3 court before trial, a certified copy of the board's official record
4 which shall include the notice of appeal and other pleadings, testimony
5 and exhibits, and the board's decision and order, which shall become
6 the record in such case. No bond shall be required on appeals to the
7 superior court or on review by the supreme court or the court of
8 appeals, except that an appeal by the employer from a decision and
9 order of the board under RCW 51.48.070, shall be ineffectual unless,
10 within five days following the service of notice thereof, a bond, with
11 surety satisfactory to the court, shall be filed, conditioned to
12 perform the judgment of the court. Except in the case last named an
13 appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board
14 has made any decision and order reversing an order of the supervisor of
15 industrial insurance on questions of law or mandatory administrative
16 actions of the director, the department shall have the right of appeal
17 to the superior court.