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HOUSE BILL 2732

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Cole, Campbell, Conway, Romero, Cody, Poulsen, Smith, Scheuerman, Murray, Scott and Mason

Read first time 01/17/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to compensation during reconsideration of  
2 department of labor and industries' industrial insurance orders; and  
3 amending RCW 51.52.050

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

5 **Sec. 1.** RCW 51.52.050 and 1987 c 151 s 1 are each amended to read  
6 as follows:

7 (1) Whenever the department has made any order, decision, or award,  
8 it shall promptly serve the worker, beneficiary, employer, or other  
9 person affected thereby, with a copy thereof by mail, which shall be  
10 addressed to such person at his or her last known address as shown by  
11 the records of the department. The copy, in case the same is a final  
12 order, decision, or award, shall bear on the same side of the same page  
13 on which is found the amount of the award, a statement, set in black  
14 faced type of at least ten point body or size, that such final order,  
15 decision, or award shall become final within sixty days from the date  
16 the order is communicated to the parties unless a written request for  
17 reconsideration is filed with the department of labor and industries,  
18 Olympia, or an appeal is filed with the board of industrial insurance  
19 appeals, Olympia(~~(: PROVIDED, That)~~). However, a department order or

1 decision making demand, whether with or without penalty, for repayment  
2 of sums paid to a provider of medical, dental, vocational, or other  
3 health services rendered to an industrially injured worker, shall state  
4 that such order or decision shall become final within twenty days from  
5 the date the order or decision is communicated to the parties unless a  
6 written request for reconsideration is filed with the department of  
7 labor and industries, Olympia, or an appeal is filed with the board of  
8 industrial insurance appeals, Olympia.

9 (2) Whenever the department has taken any action or made any  
10 decision relating to any phase of the administration of this title, the  
11 worker, beneficiary, employer, or other person aggrieved thereby may  
12 request reconsideration of the department, or may appeal to the board.  
13 If an employer requests reconsideration of a department order in favor  
14 of an injured worker, temporary total disability compensation or  
15 medical aid benefits granted to the worker by the order under  
16 reconsideration shall continue while the reconsideration is pending,  
17 subject to the requirements of RCW 51.32.240(3).

18 (3) In an appeal before the board, the appellant shall have the  
19 burden of proceeding with the evidence to establish a prima facie case  
20 for the relief sought in such appeal(~~(: PROVIDED, That)~~). However, in  
21 an appeal from an order of the department that alleges fraud, the  
22 department or self-insured employer shall initially introduce all  
23 evidence in its case in chief. (~~Any such~~) A person aggrieved by the  
24 decision and order of the board may thereafter appeal to the superior  
25 court, as prescribed in this chapter.

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