
SENATE BILL 5615

State of Washington

54th Legislature

1995 Regular Session

By Senators Pelz, Franklin, Hargrove, Snyder, Bauer, Fraser, McAuliffe, Smith, Prentice, Heavey and Rinehart

Read first time 01/30/95. Referred to Committee on Labor, Commerce & Trade.

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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