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HOUSE BILL 2435

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State of Washington                      52nd Legislature                      1992 Regular Session  
By Representatives G. Cole, Heavey, Prentice, Jones, Franklin and R. King

Read first time 01/16/92. Referred to Committee on Commerce & Labor.

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

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

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

6            (1) Whenever the department has made any order, decision, or award,  
7 it shall promptly serve the worker, beneficiary, employer, or other  
8 person affected thereby, with a copy thereof by mail, which shall be  
9 addressed to such person at his or her last known address as shown by  
10 the records of the department. The copy, in case the same is a final  
11 order, decision, or award, shall bear on the same side of the same page  
12 on which is found the amount of the award, a statement, set in black  
13 faced type of at least ten point body or size, that such final order,  
14 decision, or award shall become final within sixty days from the date

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

13 ~~(2) Whenever the department has taken any action or made any~~  
14 ~~decision relating to any phase of the administration of this title, the~~  
15 ~~worker, beneficiary, employer, or other person aggrieved thereby may~~  
16 ~~request reconsideration of the department, or may appeal to the board.~~  
17 ~~If an employer requests reconsideration of a department order in favor~~  
18 ~~of an injured worker, the employer must submit all information relevant~~  
19 ~~to the request within thirty days of requesting reconsideration and the~~  
20 ~~department may consider only the information that is timely submitted.~~  
21 ~~For good cause shown, the department may extend the time period for an~~  
22 ~~additional thirty days.~~

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