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**HOUSE BILL 2496**

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**State of Washington****52nd Legislature****1992 Regular Session**

**By** Representatives Jones, Fuhrman, Heavey, Lisk, Vance, G. Cole, Franklin, Prentice, O'Brien and Paris

Read first time 01/20/92. Referred to Committee on Commerce & Labor.

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, and on the beneficiary  
or other person who is a party to the appeal. If the case is one  
17 involving a self-insurer, a copy of the notice of appeal shall also be  
18 served by mail, or personally, on such self-insurer. The department  
19 shall, in all cases not involving a self-insurer, within twenty days  
20 after the receipt of such notice of appeal, serve and file its notice  
21 of appearance and such appeal shall thereupon be deemed at issue. If  
22 the case is one involving a self-insurer, such self-insurer shall,  
23 within twenty days after receipt of such notice of appeal, serve and  
24 file its notice of appearance and such appeal shall thereupon be deemed  
25 to be at issue. In such cases the department may appear and take part  
26 in any proceedings. The board shall serve upon the appealing party,  
27 the director, the worker, the beneficiary, the self-insurer if the case  
28 involves a self-insurer, and any other party appearing at the board's  
29 proceeding, and file with the clerk of the court before trial, a  
30 certified copy of the board's official record which shall include the

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