

# HOUSE BILL REPORT

## HB 1333

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*As Reported By House Committee on:  
Commerce & Labor*

**Title:** An act relating to industrial insurance appeals.

**Brief Description:** Reassuming industrial insurance cases by the Department of Labor and Industries.

**Sponsor(s):** Representatives Hargrove, Heavey, Phillips, Jones, R. Meyers, Wineberry, Padden and Fuhrman.

**Brief History:**

Reported by House Committee on:  
Commerce & Labor, February 15, 1991, DP.

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**HOUSE COMMITTEE ON  
COMMERCE & LABOR**

**Majority Report:** *Do pass.* Signed by 10 members: Representatives Heavey, Chair; Cole, Vice Chair; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

**Minority Report:** *Do not pass.* Signed by 1 member: Representative Fuhrman, Ranking Minority Member.

**Staff:** Chris Cordes (786-7117).

**Background:** Industrial insurance orders issued by the Department of Labor and Industries may be appealed to the Board of Industrial Insurance Appeals. The department is permitted to reassume jurisdiction over appeals if the department acts within the 60 day period for filing an appeal or within 30 days after the appeal is filed. While the claim is reassumed and under the department's review, the department's order may be held in abeyance up to a maximum of 180 days. No action is taken on the claim during the abeyance period.

**Summary of Bill:** If an industrial insurance appeal is filed by an injured worker, the Department of Labor and Industries may reassume jurisdiction over the claim only if the department obtains prior written consent of the worker.

Technical changes are made to reorganize the statute.

**Fiscal Note:** Requested January 26, 1991.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Workers are frequently frustrated by long delays in the appeal process because the Department of Labor and Industries has reassumed jurisdiction over their claims. During this period of delay, workers may not be receiving benefits. Although reassumption of a claim can be used to correct mistakes and avoid appeals, it can also cause hardship to workers.

**Testimony Against:** If the department is unable to reassume jurisdiction over claims, the number of cases in the appeals system may increase.

**Witnesses:** (in favor) Representative Jim Hargrove, prime sponsor; Phillis Beverly, Steve Linderman, and Dan Watson, Injured Workers United; Kathleen Connor, Washington State Labor Council; and Dennis Martin, Washington State Trial Lawyers Association. Mike Watson, Department of Labor and Industries (no position). Clif Finch, Association of Washington Business (opposed if the bill increases the appeal caseload).