WORKERS' COMPENSATION FUND

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601 MORRIS STREET
CHARLESTON, WEST VIRGINIA 25301

ARCH A. MOORE, JR.
Governor

MARY MARTHA MERRITT
Commissioner

January 15, 1986

Amendment to WEST VIRGINIA EMERGENCY RULES, WORKERS' COMPENSATION COMMISSIONER, Chapter 23-4B, Series II, Effective July 1, 1985

Section 9.2 is hereby amended by the addition of the underlined portion of the Section, as follows:

9.2. Refunds. Upon withdrawal from coverage by a subscriber, or cancellation by the Fund, the Fund shall not refund any earned premiums for past years of coverage, nor for the current subscription year. Upon withdrawal, or cancellation, the Fund shall perform a closing audit of the subscriber's account and shall prepare a final accounting for the current subscription year, as soon as possible, and within thirty (30) days after the effective date of withdrawal or cancellation, to determine the amount of any unearned premiums and deposits held by the Fund for the current subscription year, and after deducting any amounts found to be owing to the Fund, and properly deductible by the Fund, shall promptly refund to the subscriber any excess unearned premium and deposit for the current subscription year only. Provided, however, that any subscriber desiring to obtain approval of a self insurance plan by the U. S. Department of Labor, and, thereafter, to withdraw from coverage of the Fund and obtain a refund of all premiums, less claims and medical expenditures paid by the Fund on the subscriber's behalf, shall have until April 15, 1986, to submit to the Fund in writing an application for such refund, conditioned upon the aforesaid approval of such self insurance plan and a written release of the Fund for all past, present and future liability under the Federal Act, by an appropriate authorized official of the U. S. Department of Labor. Any subscriber filing such application for refund with the Fund shall proceed with diligence to seek approval from the U. S. Department of Labor for their self insurance plan and the release of the Fund, and shall provide to the Fund a copy of the form or forms filed with the U. S. Department of Labor for the purpose of applying for the privilege of self-insuring their liability, and shall also provide to the Fund copies of other forms or correspondence relating to the granting or denial of such privilege by the U. S. Department of Labor. Upon receipt of the aforesaid release the Fund shall perform a closing audit of the subscriber's account and issue the subscriber a check for a refund of all premiums, less claims and medical expenditures paid by the Fund on behalf of the subscriber, as of the effective date of cancellation in the notice of cancellation of coverage submitted by the Fund to the U. S. Department of Labor.