



WORKERS' COMPENSATION FUND

601 MORRIS STREET
CHARLESTON, WEST VIRGINIA 25301

JOHN D. ROCKEFELLER IV
Governor

TIMOTHY E. HUFFMAN
Commissioner

December 6, 1984

Mr. A. James Manchin
Secretary of State
State Capitol
Suite 157-K
Executive Office
Charleston, WV 25305

FILED
1984 DEC -6 AM 9:28
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Re: Emergency Legislative Rules
Workers' Compensation Commissioner
Series IV, V, and VI
Filed December 6, 1984

Dear Mr. Manchin:

Enclosed herewith for filing in the State Register are two copies of Emergency Legislative Rules promulgated by the Workers' Compensation Commissioner.

The filing includes three series of rules, designated Series IV, Series V, and Series VI, each of which is referred to below. These rules are intended to replace the Emergency Legislative Rules which were filed June 6, 1984, and which would expire by operation of law on December 7, 1984. The content of these emergency rules differs from the content of the prior emergency rules, reflecting amendments that were made upon the basis of public comment and experience with the prior rules. The content is identical to that of the Agency Approved Proposed Legislative Rules which were filed in the State Register and with the Legislative Rule-Making Review Committee on October 25, 1984.

The following is a statement of the facts and circumstances constituting the emergency that necessitates the promulgation of these rules.

The agency must have rules in effect under which it can operate until the Legislature has an opportunity to act upon the Agency Approved Proposed Legislative Rules.

All three series of rules pertain to subject matter that is integrally related to the administration of the Workers' Compensation Fund and its influence upon the health and welfare of injured workers and their dependents. Also, all three series of rules are promulgated for the express purpose of compliance with directives of the Supreme Court of Appeals of West Virginia.

Mr. A. James Manchin
Secretary of State
Page Two
December 6, 1984

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In the case of Meadows, et al v. Lewis, W.Va. , 307 S.E.2d 625 (1983), the Supreme Court of Appeals of West Virginia directed that the Workers' Compensation Commissioner promulgate administrative rules and regulations specifying internal procedural time limits through which adjudications and awards are made. The essential purpose therefor is to promote and protect the health and welfare of injured workers and their dependents by prompt, efficient delivery of benefits to which they are entitled.

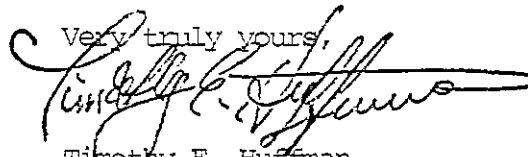
In the case of Meadows, et al v. Lewis, W.Va. , 307 S.E.2d 625 (1983), the Supreme Court of Appeals of West Virginia interpreted pertinent provisions of the West Virginia Code as providing that the Commissioner is required, in certain circumstances, to pay attorney fees and expenses to claimants in addition to the benefits they receive. Such fees and expenses have not previously been paid from the Workers' Compensation Fund. The purpose of these rules is to provide systematic administrative management of the action mandated by the Court.

In the case of UMWA, et al v. Lewis, W.Va. , 309 S.E.2d 58 (1983), the Supreme Court of Appeals of West Virginia ordered the Workers' Compensation Commissioner to ".....establish a procedure by which a claimant can institute an action to suspend or terminate an employer's status as a self-insurer, or to have a substantial fine, payable to the claimant, levied against the employer when a self-insurer is not meeting obligations to claimants....." These rules are designed to accomplish compliance with the order of the Court.

Enclosed herewith is a copy of the Notice of Agency Approval and Submission of the enclosed rules.

Thank you for your cooperation in this matter.

Very truly yours,



Timothy E. Huffman
Commissioner

TEH:WM:cm

Enclosures