



General Assembly

**Substitute Bill No. 1112**

*January Session, 2001*

**AN ACT CONCERNING THE WORKERS' COMPENSATION REVIEW BOARD.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 31-301 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (a) At any time within [ten] twenty days after entry of an award by  
4 the commissioner, after a decision of the commissioner upon a motion  
5 or after an order by the commissioner according to the provisions of  
6 section 31-299b, as amended by this act, either party may appeal  
7 therefrom to the Compensation Review Board by filing in the office of  
8 the commissioner from which the award or the decision on a motion  
9 originated an appeal petition and five copies thereof. The  
10 commissioner within three days thereafter shall mail the petition and  
11 three copies thereof to the chief of the Compensation Review Board  
12 and a copy thereof to the adverse party or parties.

13 Sec. 2. Section 31-299b of the general statutes is repealed and the  
14 following is substituted in lieu thereof:

15 If an employee suffers an injury or disease for which compensation  
16 is found by the commissioner to be payable according to the  
17 provisions of this chapter, the employer who last employed the  
18 claimant prior to the filing of the claim, or the employer's insurer, shall  
19 be initially liable for the payment of such compensation. The

20 commissioner shall, within a reasonable period of time after issuing an  
21 award, on the basis of the record of the hearing, determine whether  
22 prior employers, or their insurers, are liable for a portion of such  
23 compensation and the extent of their liability. If prior employers are  
24 found to be so liable, the commissioner shall order such employers or  
25 their insurers to reimburse the initially liable employer or insurer  
26 according to the proportion of their liability. Reimbursement shall be  
27 made within ten days of the commissioner's order with interest, from  
28 the date of the initial payment, at twelve per cent per annum. If no  
29 appeal from the commissioner's order is taken by any employer or  
30 insurer within [ten] twenty days, the order shall be final and may be  
31 enforced in the same manner as a judgment of the Superior Court.

32 Sec. 3. Section 31-300 of the general statutes is repealed and the  
33 following is substituted in lieu thereof:

34 As soon as may be after the conclusion of any hearing, but no later  
35 than one hundred twenty days after such conclusion, the  
36 commissioner shall send to each party a written copy of [his] the  
37 findings of the commissioner and award. The commissioner shall, as  
38 part of the written award, inform the employee or [his] the employee's  
39 dependent, as the case may be, of any rights the individual may have  
40 to an annual cost-of-living adjustment or to participate in a  
41 rehabilitation program under the provisions of this chapter. [He] The  
42 commissioner shall retain the original findings and award in [his] said  
43 commissioner's office. If no appeal from [his] the decision is taken by  
44 either party within [ten] twenty days thereafter, such award shall be  
45 final and may be enforced in the same manner as a judgment of the  
46 Superior Court. The court may issue execution upon any uncontested  
47 or final award of a commissioner in the same manner as in cases of  
48 judgments rendered in the Superior Court; and, upon the filing of an  
49 application to the court for an execution, the commissioner in whose  
50 office the award is on file shall, upon the request of the clerk of said  
51 court, send to [him] the clerk a certified copy of such findings and  
52 award. In cases where, through the fault or neglect of the employer or  
53 insurer, adjustments of compensation have been unduly delayed, or

54 where through such fault or neglect, payments have been unduly  
55 delayed, the commissioner may include in [his] the award interest at  
56 the rate prescribed in section 37-3a and a reasonable attorney's fee in  
57 the case of undue delay in adjustments of compensation and may  
58 include in [his] the award in the case of undue delay in payments of  
59 compensation, interest at twelve per cent per annum and a reasonable  
60 attorney's fee. Payments not commenced within thirty-five days after  
61 the filing of a written notice of claim shall be presumed to be unduly  
62 delayed unless a notice to contest the claim is filed in accordance with  
63 section 31-297. In cases where there has been delay in either  
64 adjustment or payment, which delay has not been due to the fault or  
65 neglect of the employer or insurer, whether such delay was caused by  
66 appeals or otherwise, the commissioner may allow interest at such  
67 rate, not to exceed the rate prescribed in section 37-3a, as may be fair  
68 and reasonable, taking into account whatever advantage the employer  
69 or insurer, as the case may be, may have had from the use of the  
70 money, the burden of showing that the rate in such case should be less  
71 than the rate prescribed in section 37-3a to be upon the employer or  
72 insurer. In cases where the claimant prevails and the commissioner  
73 finds that the employer or insurer has unreasonably contested liability,  
74 the commissioner may allow to the claimant a reasonable attorney's  
75 fee. No employer or insurer shall discontinue or reduce payment on  
76 account of total or partial incapacity under any such award, if it is  
77 claimed by or on behalf of the injured person that [his] such person's  
78 incapacity still continues, unless such employer or insurer notifies the  
79 commissioner and the employee of such proposed discontinuance or  
80 reduction in the manner prescribed in section 31-296 and the  
81 commissioner specifically approves such discontinuance or reduction  
82 in writing. The commissioner shall render [his] the decision within  
83 fourteen days of receipt of such notice and shall forward to all parties  
84 to the claim a copy of [his] the decision not later than seven days after  
85 [his] the decision has been rendered. If the decision of the  
86 commissioner finds for the employer or insurer, the injured person  
87 shall return any wrongful payments received from the day designated  
88 by the commissioner as the effective date for the discontinuance or

89 reduction of benefits. Any employee whose benefits for total incapacity  
90 are discontinued under the provisions of this section and who is  
91 entitled to receive benefits for partial incapacity as a result of an  
92 award, shall receive those benefits commencing the day following the  
93 designated effective date for the discontinuance of benefits for total  
94 incapacity. In any case where the commissioner finds that the  
95 employer or insurer has discontinued or reduced any such payment  
96 without having given such notice and without the commissioner  
97 having approved such discontinuance or reduction in writing, the  
98 commissioner shall allow the claimant a reasonable attorney's fee  
99 together with interest at the rate prescribed in section 37-3a on the  
100 discontinued or reduced payments.

**JUD**      *JOINT FAVORABLE SUBST.*