

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 445 (Delegate Mitchell)

Economic Matters

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Workers' Compensation Commission - Judicial Review

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This bill requires that judicial review of a determination by the Workers' Compensation Commission (WCC) be conducted without a jury. The bill requires that judicial review of disputed issues of fact be confined to the record for judicial review, supplemented by additional evidence taken by WCC. The court may order WCC to take additional evidence if: (1) a party applies for leave to offer additional evidence before the hearing date; and (2) the court is satisfied that the evidence is material and that there were good reasons for failing to offer the evidence in the proceeding before WCC. WCC may modify its findings and decision on the basis of the additional evidence and must file with the court, as part of the record, the additional evidence and any modifications of the findings or decision.

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Fiscal Summary

**State Effect:** The bill's requirements could be handled with WCC's existing budgeted resources. The bill is not expected to materially affect benefit payments.

**Local Effect:** Minimal. Any reduction in circuit courts' workload would not materially affect expenditures.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Appeals of WCC decisions are heard in the circuit courts. The proceedings in an appeal are to be informal and summary, and they must provide each party with a full opportunity to be heard. The party challenging WCC's decision has the burden of proof, and WCC's decision is presumed to be prima facie correct. The court must determine whether

WCC considered all the facts about the case justly, exceeded its powers, or misconstrued the applicable law and facts. On a motion of any party, the court must submit any question of fact to a jury.

The court must confirm WCC's decision if WCC acted within its powers and correctly construed the law and facts. The court must reverse or modify the decision or remand the case to WCC for further proceedings if it determines that WCC did not act within its powers or did not correctly construe the law and facts.

**Background:** The Injured Workers' Insurance Fund, which administers the State's workers' compensation program, advises that it had approximately 452 cases pending on appeal at any given time in calendar 1999, approximately one-half of which resulted in trials by jury.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Injured Workers' Insurance Fund, Judiciary (Administrative Office of the Courts), Subsequent Injury Fund, Uninsured Employers' Fund, Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2000  
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