
By: **Delegates Vallario, Mitchell, and Gordon**
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Assigned to: Economic Matters

Committee Report: Favorable with amendments
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CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation - Notice of Decision - Appeal**

3 FOR the purpose of requiring the State Workers' Compensation Commission to send a
4 certain notice of its ~~decision~~ decisions to each ~~party or the~~ party's attorney of
5 record or party under certain circumstances; providing that the period for filing
6 an appeal from ~~a decision~~ certain decisions of the Commission shall begin from
7 the date of mailing of the ~~notice~~ notices required under this Act ~~rather than from~~
8 ~~the date of a certain recording of a decision~~; providing for the application of this
9 Act; and generally relating to a requirement of notice of a decision by the
10 Commission and altering the time by which an appeal from a decision of the
11 Commission may be filed in a circuit court.

12 BY repealing and reenacting, with amendments,
13 Article - Labor and Employment
14 Section 9-714 ~~and 9-737, 9-726, and 9-737~~
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2000 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Labor and Employment**

20 9-714.

21 (a) When the Commission receives a claim, the Commission:

22 (1) may investigate the claim; and

1 (2) on application of any party to the claim, shall order a hearing.

2 (b) (1) The Commission shall make or deny an award within 30 days:

3 (i) after the claim is filed; or

4 (ii) if a hearing is held, after the hearing is concluded.

5 (2) The decision shall be recorded in the principal office of the
6 Commission, AND A COPY OF THE DECISION SHALL BE SENT BY FIRST CLASS MAIL TO
7 EACH PARTY ~~OR THE PARTY'S ATTORNEY OF RECORD~~ OR, IF THE PARTY IS
8 UNREPRESENTED, TO THE PARTY.

9 9-726.

10 (a) Within 15 days after the date of a decision by the Commission, a party may
11 file with the Commission a written motion for a rehearing.

12 (b) A motion filed under subsection (a) of this section shall state the grounds
13 for the motion.

14 (c) A motion for rehearing does not stay:

15 (1) the decision of the Commission; or

16 (2) the right of another party to appeal from the decision.

17 (d) (1) Even if an appeal by another party is pending, the Commission
18 promptly shall rule on a motion for rehearing.

19 (2) The Commission may decide a motion for rehearing without granting
20 a hearing on the motion.

21 (3) The Commission may grant a motion for rehearing only on grounds of
22 error of law or newly discovered evidence.

23 (e) If the Commission grants a motion for rehearing, the Commission
24 promptly shall hold the rehearing and pass an appropriate order, even if an appeal by
25 another party is pending.

26 (f) If a party files a motion for a rehearing in accordance with subsection (a) of
27 this section, the time within which an appeal may be taken from the decision starts
28 on:

29 (1) the date on which the Commission [denies] **MAILS NOTICE OF THE**
30 **DENIAL OF** the motion for a rehearing; or

31 (2) if the Commission grants the motion for rehearing, the date on which
32 the Commission [passes] **MAILS NOTICE OF** an order under subsection (e) of this
33 section.

1 (G) (1) IF THE COMMISSION DENIES A MOTION FOR A REHEARING, THE
2 COMMISSION SHALL SEND A COPY OF THE DENIAL BY FIRST CLASS MAIL TO EACH
3 PARTY'S ATTORNEY OF RECORD OR, IF THE PARTY IS UNREPRESENTED, TO THE
4 PARTY.

5 (2) IF THE COMMISSION GRANTS A MOTION FOR A REHEARING, THE
6 COMMISSION SHALL SEND A COPY OF THE ORDER ISSUED IN ACCORDANCE WITH
7 SUBSECTION (E) OF THIS SECTION, BY FIRST CLASS MAIL TO EACH PARTY'S
8 ATTORNEY OF RECORD OR, IF THE PARTY IS UNREPRESENTED, TO THE PARTY.

9 [(g)] (H) (1) If a court hears an appeal from the decision before the
10 Commission rules on a motion for a rehearing under subsection (d) of this section or
11 passes an order under subsection (e) of this section, the court shall determine each
12 question of fact or law, including a question that is still before the Commission.

13 (2) If a court hears an appeal after the Commission rules on a motion for
14 a rehearing under subsection (d) of this section, the court shall determine each
15 question of fact or law that arises under the original order and any later order that
16 the Commission passes under subsection (e) of this section.

17 9-737.

18 An employer, covered employee, dependent of a covered employee, or any other
19 interested person aggrieved by a decision of the Commission, including the
20 Subsequent Injury Fund and the Uninsured Employers' Fund, may appeal from the
21 decision of the Commission provided the appeal is filed within 30 days after the date
22 of the MAILING OF THE Commission's order by:

23 (1) filing a petition for judicial review in accordance with Title 7 of the
24 Maryland Rules;

25 (2) attaching to or including in the petition a certificate of service
26 verifying that on the date of the filing a copy of the petition has been sent by first
27 class mail to the Commission and to each other party of record; and

28 (3) on the date of the filing, serving copies of the petition by first class
29 mail on the Commission and each other party of record.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
31 construed only prospectively and may not be applied or interpreted to have any effect
32 on or application to any decision of the State Workers' Compensation Commission
33 recorded before the effective date of this Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2001.

