



## 2024 POSITION PAPER

SB 789 / HB 915

### THE UNINSURED EMPLOYER'S FUND MUST HONOR THE AWARDS OF THE MARYLAND WORKERS' COMPENSATION COMMISSION FAVORABLE

This bill would require the Uninsured Employers' Fund ("UEF") to pay the benefits ordered by the Maryland Workers' Compensation Commission ("Commission") even if a Commission's decision is appealed in the circuit court.

#### MAJ Supports This Bill for Multiple Reasons

When the Commission awards benefits to an injured worker, all parties are required to follow the Commission's decision even if an appeal of that decision is filed in the circuit court. The Maryland Workers' Compensation Act includes an "anti-stay" provision for this purpose.<sup>1</sup> All stakeholders follow this requirement; except for the UEF. The UEF consistently states that the "anti-stay" provision does not apply to the UEF because the UEF is not subject to "penalties" for failing to pay an award.<sup>2</sup> The UEF relies on a Supreme Court of Maryland decision as justification for its actions.<sup>3</sup> This bill will supersede that decision and require the UEF to follow the same rules as all other stakeholders.

#### SB 789 / HB 915 will:

- Require the UEF to honor all decisions of the Commission.
- Ensure that injured workers receive the benefits awarded by the Commission, even if that decision is appealed to the circuit court.
- Continue to honor the "benevolent purpose" and the remedial nature of the Maryland Workers' Compensation Act. That is, to assist injured workers to recover from injury and return to the workforce.
- Protect injured workers who have already been victimized due to an employer breaking the law for failing to have workers' compensation insurance.

#### The Maryland Association for Justice urges a FAVORABLE Report on SB789 / HB 915.

<sup>1</sup> Md. Code Ann., Lab. & Empl. § 9-741.

<sup>2</sup> Md. Code Ann., Lab. & Empl. § 9-728.

<sup>3</sup> Uninsured Employers' Fund v. Danner, 388 Md. 649, 882 A.2d 271 (2005).

#### About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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