

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1549

By: Sparks

6 AS INTRODUCED

7 An Act relating to workers' compensation; amending  
8 Section 71, Chapter 208, O.S.L. 2013 (85A O.S. Supp.  
9 2017, Section 71), which relates to notice and  
10 hearing; expanding methods of providing certain  
11 notice; updating statutory reference; and providing  
12 an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 71, Chapter 208, O.S.L.  
14 2013 (85A O.S. Supp. 2017, Section 71), is amended to read as  
15 follows:

16 Section 71. A. Notice. Within ten (10) days after a claim for  
17 compensation has been filed, the Commission shall notify the  
18 employer and any other interested person of the filing of the claim.

19 B. Investigation - Hearing.

20 1. The Commission shall assign the claim to an administrative  
21 law judge who shall hold a hearing on application of any interested  
22 party, or on its own motion.  
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1        2. An application for a hearing shall clearly set forth the  
2 specific issues of fact or law in controversy and the contentions of  
3 the party applying for the hearing.

4        3. If any party is not represented by a lawyer, the  
5 administrative law judge shall define the issues to be heard.

6        4. If a hearing on the claim is ordered, the administrative law  
7 judge shall give the claimant and other interested parties ten (10)  
8 days' notice of the hearing served personally on the claimant and  
9 other parties, or by registered mail, facsimile, electronic mail or  
10 by other electronic means with confirmation of receipt. The hearing  
11 shall be held in Tulsa or Oklahoma County, as determined by the  
12 Commission.

13        5. The award, together with the statement of the findings of  
14 fact and other matters pertinent to the issues, shall be filed with  
15 the record of the proceedings, and a copy of the award shall  
16 immediately be sent to the parties in or to counsels of record, if  
17 any.

18        C. Evidence and Construction.

19        1. a. At the hearing the claimant and the employer may each  
20                present evidence relating to the claim. Evidence may  
21                be presented by any person authorized in writing for  
22                such purpose. The evidence may include verified  
23                medical reports which shall be accorded such weight as  
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1                   may be warranted when considering all evidence in the  
2                   case.

3           b.   Any determination of the existence or extent of  
4               physical impairment shall be supported by objective  
5               and measurable physical or mental findings.

6           2.   When deciding any issue, administrative law judges and the  
7   Commission shall determine, on the basis of the record as a whole,  
8   whether the party having the burden of proof on the issue has  
9   established it by a preponderance of the evidence.

10          3.   Administrative law judges, the Commission, and any reviewing  
11   courts shall strictly construe the provisions of ~~this act~~ the  
12   Administrative Workers' Compensation Act.

13          4.   In determining whether a party has met the burden of proof  
14   on an issue, administrative law judges and the Commission shall  
15   weigh the evidence impartially and without giving the benefit of the  
16   doubt to any party.

17          D.   Judgment.   The judgment denying the claim or making the  
18   award shall be filed in the office of the Commission, and a copy  
19   shall be sent by registered mail, facsimile, electronic mail or by  
20   other electronic means with confirmation of receipt to the claimant  
21   and to the employer or to their attorneys.

22          E.   No compensation for disability of an injured employee shall  
23   be payable for any period beyond his or her death; provided,  
24   however, an award of compensation for disability may be made after

1 the death of the injured employee for the period of disability  
2 preceding death.

3 SECTION 2. This act shall become effective November 1, 2018.

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