

1 **HB 1894 - H AMD 0036 WITHDRAWN 03/12/99**  
2 By Representative Conway and Clements

3 On page 1, beginning on line 6, after "is made" strike "or  
4 withheld"

5 On page 1, beginning on line 10, after "shall" strike everything  
6 through "overpaid" on line 11, and insert "repay it"

7 On page 1, at the beginning of line 14, strike "recipient,  
8 department," and insert "department"

9 On page 1, line 15, after "for such" strike "underpayment,  
10 repayment," and insert "repayment"

11 On page 1, line 16, after "payment" strike "or underpayment"

12 On page 2, line 3, after "(2)" insert "Whenever the department or  
13 self-insurer fails to pay benefits because of clerical error, mistake  
14 of identity, or innocent misrepresentation, all not induced by fraud,  
15 the recipient may request an adjustment of benefits to be paid from the  
16 state fund or by the self-insurer, as the case may be, subject to the  
17 following:

18 (a) The recipient must request an adjustment in benefits within  
19 one year from the date of the incorrect payment or it will be deemed  
20 any claim therefore has been waived.

21 (b) The recipient may not seek an adjustment of benefits because  
22 of adjudicator error. "Adjudicator error" includes the failure to  
23 consider information in the claim file, failure to secure adequate  
24 information, or an error in judgment.

25 (3)"

26 On page 2, line 15, strike "(3)" and insert "~~((+3))~~ (4)"

27 On page 2, line 27, strike "(4)" and insert "~~((+4))~~ (5)"

1 On page 2, line 36, strike "(5)" and insert "((~~+5~~)) (6)"

2 On page 3, line 2, after "through" strike "(4)" and insert "  
3 ((~~+4~~)) (5)"

4 On page 4, line 25, strike "(6)" and insert "((~~+6~~)) (7)"

**EFFECT:** Adds a new provision replacing language regarding the entitlement to industrial insurance benefits that have been withheld or underpaid. The new provision permits the recipient to request an adjustment of benefits when the Department of Labor and Industries or self-insurer fails to pay benefits because of clerical error, mistake of identity, or innocent misrepresentation. The recipient must make the request within one year from the date of incorrect payment and may not seek adjustment because of adjudicator error (failure to consider information in the file or to secure adequate information, or an error in judgment).