S T A T E O F N E W Y O R K

3569

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. EDDINGTON, GOTTFRIED, HOOPER, McENENY, J. RIVERA, ROBINSON, TOWNS -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to requiring employers or insurance carriers to present substantial evidence when contesting claims

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (c) of subdivision 2 of section 25 of the workers' compensation law, as amended by chapter 635 of the laws of 1996, is amended to read as follows:

(c) If the board shall upon a hearing determine that [objections] ANY OBJECTION to an award of compensation OR MEDICAL BENEFITS by the employer or insurance carrier [were] WAS interposed without [just cause] SUBSTANTIAL EVIDENCE, it shall state the grounds for such determination and shall require the employer or the insurance carrier to pay to the claimant, in addition to the amount presently due under the award, the sum of three hundred dollars AND PAY THE REASONABLE CLAIMS FOR LEGAL SERVICES INCURRED BY A CLAIMANT AS A RESULT OF THE OBJECTIONS SO INTERPOSED.

S 2. This act shall take effect immediately and shall apply to workers' compensation claims submitted on or after such date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD01908-01-9