

# STATE OF NEW YORK

6087

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to irregularities in a cover sheet accompanying an application for administrative review or for full board review or a rebuttal to such applications

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The workers' compensation law is amended by adding a new  
2 section 23-a to read as follows:

3 § 23-a. Mistakes, defects and irregularities. 1. Notwithstanding  
4 anything contained in 12 NYCRR 300.13 (b) as or further defined in  
5 Subject Number 046-878 and Subject Number 046-940 issued by the board, a  
6 mistake, omission, defect and/or other irregularity in a cover sheet  
7 (currently known as form RB-89) accompanying an application for adminis-  
8 trative review or a cover sheet (currently known as RB-89.2) accompan-  
9 ing an application for full board review shall not be grounds for denial  
10 of said application for administrative review or full board review.

11 2. Notwithstanding anything contained in 12 NYCRR 300.13 (b) or (c) as  
12 or further defined in Subject Number 046-878 and Subject Number 046-940  
13 issued by the board, a mistake, omission, defect and/or other irregular-  
14 ity in a cover sheet (currently known as form RB-89.1) accompanying a  
15 rebuttal to an application for administrative review or a cover sheet  
16 (currently known as RB-89.3) accompanying a rebuttal to an application  
17 for full board review shall not be grounds for denial of said rebuttal  
18 to an application for administrative review or an application for full  
19 board review.

20 3. The board shall permit any such mistake, omission, defect and/or  
21 other irregularity to be corrected within twenty days of written notice  
22 by the board of such mistake, omission, defect and/or other irregularity  
23 or if a substantial right of either the party filing the application or

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

LBD09708-02-9

1 the party filing the rebuttal is not prejudiced, such mistake, omission,  
2 defect and/or other irregularity shall be disregarded.

3 4. This section shall apply to any and all forms prescribed by the  
4 board with respect to said applications for board review or full board  
5 review or rebuttals to said applications subsequent to the effective  
6 date of this section.

7 § 2. This act shall take effect immediately.