STATE OF NEW YORK

386

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JACOBSON, COLTON, REYES, DICKENS, GOTTFRIED, SAYEGH, GLICK, FAHY, STECK, ABINANTI, KIM, CUSICK, MORINELLO, PERRY -- Multi-Sponsored by -- M. of A. COOK, McDONOUGH, SIMON -- read once and referred 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:

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

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

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

3. The board shall permit any such mistake, omission, defect and/or other irregularity to be corrected within twenty days of written notice

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

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by the board of such mistake, omission, defect and/or other irregularity or if a substantial right of either the party filing the application or the party filing the rebuttal is not prejudiced, such mistake, omission, defect and/or other irregularity shall be disregarded.

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

§ 2. This act shall take effect immediately.