

HOUSE BILL No. 4115

February 1, 2005, Introduced by Reps. Anderson, Farrah, Hopgood, Gillard, Alma Smith, Gonzales, Sak, Gleason and Vagnozzi and referred to the Committee on Employment Relations, Training, and Safety.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 852 (MCL 418.852), as added by 1985 PA 103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 852. (1) The liability of a carrier or fund regarding a
2 claim under this act shall be determined by the ~~hearing referee or~~
3 worker's compensation magistrate ~~, as applicable,~~ at the time of
4 the award of benefits.

5 (2) IF THE WORKER'S COMPENSATION MAGISTRATE DETERMINES THAT A
6 CLAIMANT IS ENTITLED TO AN AWARD OF BENEFITS, THE MAGISTRATE SHALL
7 ORDER PAYMENT BY THE LIABLE CARRIER OR FUND IN THE FOLLOWING
8 AMOUNTS:

9 (A) THE WEEKLY WAGE LOSS BENEFITS FROM THE DATE OF INJURY TO

1 THE DATE OF THE AWARD, WITH INTEREST AT 12%, AND CONTINUING
2 THEREAFTER FOR THE PERIOD AS DETERMINED BY THE MAGISTRATE.

3 (B) ALL MEDICAL BILLS, INCLUDING ANY REHABILITATION COSTS, NOT
4 PREVIOUSLY PAID THAT ARE RELATED TO THE CLAIM.

5 (C) ALL OTHER COSTS, INCLUDING ATTORNEY FEES SUBJECT TO
6 SECTION 858, INCURRED BY THE CLAIMANT TO REINSTATE HIS OR HER
7 BENEFITS.

8 (3) ~~—(2)—~~ If a carrier or fund originally determined to be
9 liable pursuant to subsection (1) is subsequently determined to not
10 be liable or not to the same extent as originally determined, that
11 carrier or fund shall be reimbursed by the liable party or parties
12 with interest at 12% per annum.