



Celebrating Fifty Years

February 12, 2016

Christine Baker
 Department of Industrial Relations
 Office of the Director
 P.O. Box 420603
 San Francisco, CA 94142-0603

Dear Director Baker:

As President of the California Applicants Attorneys Association, I am writing on behalf of injured workers to petition for an amendment to Regulation section 17304 regarding the deadline for filing an Application for the Return-to-Work Supplement.

This petition is made pursuant to the Administrative Procedure Act sections 11340.6 and 11340.7. The authority for the Department of Industrial Relations to take this action is set forth in Labor Code 139.48(b) which provides, "Eligibility for payments and the amount of payments shall be determined by regulations adopted by the director."

Existing regulation section 17304 provides that an application for the Return-to-Work Supplement must be received by the Return-to-Work Supplement Program within one year from the date the Voucher was served on the individual or within one year from the effective date of the regulations, whichever is later.

The regulations implemented for the Return-to-Work Supplement Program became effective April 13, 2015. Therefore, injured workers who received a voucher on or before April 13, 2015, will no longer be able to apply after April 13, 2016. This is although these individuals did not receive notice of their eligibility to apply for the program when they received their voucher. In fact, the Supplemental Job Displacement Voucher form was not updated with a notice of eligibility for the Return-to-Work Supplement Program until December 1, 2015.

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CAAA believes that the low number of applicants to the Return-to-Work Supplement program in 2015 (less than 12,000 when at least 24,000 were projected by the Rand study commissioned by CHSWC) is most likely due to this lack of notice of eligibility, as well as some difficulties in using the online application process.

Therefore, we propose the following amendments to section 17304.

17304. Deadline for Application

An application for the Return-to-Work Supplement must be received by the Return-to-Work Supplement Program within one year from the date the updated Voucher form containing notice was served on the individual ~~or within one year from the effective date of these regulations, or one year from the effective date of this amendment to the regulations for those individuals who received vouchers before December 1, 2015. whichever is later.~~

CAAA supports this amendment to section 17304 as a fair remedy to allow all eligible injured workers the opportunity to apply for the Return-to-Work Supplement payment.

Sincerely



Bert Arnold
President, California Applicants' Attorney's Association

Cc: George Parisotto, Acting Administrative Director