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DWCNewsline

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Division of Workers' Compensation issues a second 15-day notice of revisions to proposed administrative penalties for unreasonable denial of compensation pursuant to Labor Code section 5814.6

The Division of Workers' Compensation (DWC) has modified its regulations for administrative penalties pursuant to Labor Code section 5814.6. A second 15-day notice of modification was distributed to interested parties and the revised regulations are posted to the DWC Web site. Members of the public may comment on the revisions until 5 p.m. Friday, Nov.10, 2006.

Proposed section 10225.1(a) now states: "Administrative penalties shall only be imposed under this section based on violations of Labor Code section 5814, after more than one penalty award has been issued by a workers' compensation administrative law judge on or after Jun. 1, 2004 based on conduct occurring on or after Apr. 19, 2004 for unreasonable delay or refusal to pay compensation within a five year time period. The five year period of time shall begin on the date of issuance of any penalty award not previously subject to an administrative penalty assessment pursuant to Labor Code section 5814.6."

Other changes include revising the definition of "penalty award" to mean a final order or final award and to delete the subdivision that would have allowed awards issued before Jun. 1, 2004 to be considered evidence of a general business practice.

Further information and the modified proposals can be found at http://www.dir.ca.gov/DWC/DWCPropRegs/AdminPenalties_LC5814_6Regulations/LC5814_6Regulations.htm.

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