WEST VIRGINIA LEGISLATURE 2024 REGULAR SESSION

Committee Substitute

for

House Bill 5395

By Delegates Steele and Hanshaw (Mr. Speaker)

[Originating in the Committee on the Judiciary;

Reported on February 19, 2024]

A BILL to amend and reenact §21A-7-17 of the Code of West Virginia, 1931, as amended, relating to judicial review of Board decisions; and amending the status of the commissioner shall in relation to judicial review of Board decisions; and to repeal §21A-7-20 of said code, relating to repealing the section making the Board of Review of the West Virginia Bureau of Employment a party to judicial action and identifying the Board's legal counsel.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. CLAIM PROCEDURE.

§21A-7-17. Finality of board's decision — Judicial review.

The decision of the board shall be final and benefits shall be paid or denied in accordance therewith, unless a claimant, last employer, or other interested party appeals to the circuit court of Kanawha County within thirty 30 days after mailing of notification of the board's decision: *Provided,* That, in cases relating to a disqualification under subdivision (4) of section three of article six §21A-6-3(4) of this code, the decision of the board shall be final and benefits shall be paid or denied in accordance therewith, unless a claimant, last employer, or other interested party appeals to the circuit court of Kanawha County within twenty 20 days after mailing of notification of the board's decision.

Parties to the proceedings before the board shall be made defendants in any such appeal; and the commissioner shall be a necessary an interested party to with the discretionary authority to appear in any such judicial review.

§21A-7-20. Board a necessary party to judicial action; legal counsel.

1 [Repealed.]