

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENGROSSED

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]

1 A BILL to amend and reenact §21A-7-17 of the Code of West Virginia, 1931, as amended, relating
2 to judicial review of Board decisions; and amending the status of the commissioner shall in
3 relation to judicial review of Board decisions; and to repeal §21A-7-20 of said code, relating
4 to repealing the section making the Board of Review of the West Virginia Bureau of
5 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.

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

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

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

1 [Repealed.]