

FLAHIVE, OGDEN & LATSON

ADVISORY NO. 13

TOPIC: Deadline for Payment of TIB's

DISCUSSION: One of the most difficult inconsistencies in the new Act is the contradiction in Section 4.22, providing for a one week waiting period and Section 5.21, which requires that we begin the payment of benefits within seven days after written notice of injury.

To reconcile that, the Commission has proposed Rule 124.7 as follows:

Initial payment of temporary income benefits is due on the earlier of the following dates:

- a) the seventh day after receiving written notice of the injury, if that notice is received eight days or more after the disability began; or
- b) the 14th day after disability began, if the written notice of injury is received less than eight days after the disability began.

To illustrate, if the date of injury, first day of lost time, and date of written notification all occur on March 1, then the compensation check should be issued on or before March 15, the fourteenth day. Where written notification is first issued on or before March 15, the fourteenth day. Where we receive written notification on March 11, ten days after the injury, the check should be issued on or before March 18, seven days after written notification.

Even though this rule has not been finally adopted, we recommend this procedure until notified otherwise.