

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5395

BY DELEGATES STEELE AND HANSHAW (MR. SPEAKER)

[Passed March 1, 2024; in effect from passage.]

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

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 Intermediate
3 Court of Appeals within 30 days after mailing of notification of the board's decision: *Provided,*
4 That, in cases relating to a disqualification under §21A-6-3(4) of this code, the decision of the
5 board shall be final and benefits shall be paid or denied in accordance therewith, unless a
6 claimant, last employer, or other interested party appeals to the Intermediate Court of Appeals
7 within 20 days after mailing of notification of the board's decision.

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

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

1 [Repealed.]

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor