

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961

ENROLLED

SENATE BILL NO.

210

(By Mr.

Carson, Mr. President

PASSED

March 10th,

1961

In Effect

July 1st, 1961

Passage

Filed in Office of the Secretary of State
of West Virginia

MAR 17 1961

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 210

(By MR. CARSON, MR. PRESIDENT)

[Passed March 10, 1961; in effect July 1, 1961.]

AN ACT to amend and reenact sections three, six, six-a, eight-c, nine, ten, fifteen and fifteen-c, article four, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to workmen's compensation.

Be it enacted by the Legislature of West Virginia:

That sections three, six, six-a, eight-c, nine, ten, fifteen and fifteen-c, article four, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

Section 3. *Disbursements for Medicine, Hospital Treatment, Artificial Limbs and Other Appliances; Contract by*

3 *Employer with Hospital Prohibited.*—Except in case of
4 silicosis, the commissioner shall disburse and pay from
5 the fund for such personal injuries to such employees as
6 may be entitled thereto hereunder as follows:

7 (a) Such sums for medicines, medical, surgical, dental
8 and hospital treatment, crutches, artificial limbs and such
9 other and additional approved mechanical appliances and
10 devices as may be reasonably required, but in no case to
11 exceed the sum of twenty-four hundred dollars: *Provided,*
12 *however,* That in exceptional cases where the treatment
13 required, in the opinion of competent medical authority,
14 is such as to necessitate an expenditure in excess of such
15 amount, the commissioner may pay out of any available
16 funds, such additional sum as may be necessary, not to
17 exceed an additional sum of eight hundred dollars, but
18 such additional sum shall not be charged to the account
19 of the employer.

20 (b) Payment for such medicine, medical, surgical, den-
21 tal and hospital treatment, crutches, artificial limbs and
22 such other and additional approved mechanical appliances
23 and devices authorized under subdivision (a) hereof may

24 be made to the injured employee, or to the person or per-
25 sons who have furnished such service, or who have ad-
26 vanced payment for same, as the commissioner may deem
27 proper, but no such payments or disbursements shall be
28 made or awarded by him unless duly verified statements
29 on forms prescribed by the commissioner shall be filed
30 with the commissioner within six months after the cessa-
31 tion of such treatment or the delivery of such appliances:
32 *Provided, however,* That no payment hereunder shall be
33 made unless such verified statement shows no other or
34 additional charge for such treatment, appliance or device
35 has been or will be made against any person, firm or cor-
36 poration. Failure on the part of the doctor or hospital to
37 submit to the commissioner within such six months' pe-
38 riod bills for services rendered to an injured employee
39 shall preclude collection thereof from the injured em-
40 ployee.

41 (c) No employer shall enter into any contracts with
42 any hospital, its physicians, officers, agents or employees,
43 to render medical, dental or hospital service or to give
44 medical or surgical attention therein to any employee for

45 injury compensable within the purview of this chapter,
46 and no employer shall permit or require any employee to
47 contribute, directly or indirectly, to any fund for the pay-
48 ment of such medical, surgical, dental, or hospital service
49 within such hospital for such compensable injury. Any
50 employer violating this section shall be liable in damages
51 to his or its employees and shall not avail himself of any
52 of the common law defenses mentioned in section eight,
53 article two of this chapter, and any employer or hospital
54 or agent or employee thereof violating the provisions of
55 this section shall be guilty of a misdemeanor and upon
56 conviction thereof shall be sentenced to pay a fine not
57 exceeding one thousand dollars or to undergo imprison-
58 ment not exceeding one year, or both.

Sec. 6. *Classification of Disability Benefits.*—Where
2 compensation is due an employee under the provisions
3 of this chapter for a personal injury other than first stage
4 silicosis, such compensation shall be as provided in the
5 following schedule:

6 (a) If the injury causes temporary total disability, the
7 employee shall receive during the continuance thereof

8 sixty-six and two-thirds per cent of his average weekly
9 earnings, not to exceed a maximum of thirty-eight dollars
10 a week nor to be less than a minimum of twenty-two dol-
11 lars a week.

12 (b) Subdivision (a) shall be limited as follows: Aggre-
13 gate award for a single injury causing temporary disabil-
14 ity shall be for a period not exceeding two hundred eight
15 weeks.

16 (c) If the injury causes permanent disability, the per-
17 centage of disability to total disability shall be determined
18 and the award computed and allowed as follows:

19 For permanent disability of from one per cent to eighty-
20 four per cent, inclusive, sixty-six and two-thirds per cent
21 of the average weekly earnings for a period to be com-
22 puted on the basis of four weeks' compensation for each
23 per cent of disability determined.

24 For a disability of eighty-five to one hundred per cent,
25 sixty-six and two-thirds per cent of the average weekly
26 earnings during the remainder of life.

27 (d) If the injury results in the total loss by severance
28 of any of the members named in this subdivision, the

29 percentage of disability shall be determined in accordance
30 with the following table, and award made as provided in
31 subdivision (c) of this section:

32 The loss of a great toe shall be considered a ten per cent
33 disability.

34 The loss of a great toe (one phalanx) shall be considered
35 a five per cent disability.

36 The loss of other toes shall be considered a four per cent
37 disability.

38 The loss of other toes (one phalanx) shall be considered
39 a two per cent disability.

40 The loss of all toes shall be considered a twenty-five per
41 cent disability.

42 The loss of fore part of foot shall be considered a thirty
43 per cent disability.

44 The loss of foot shall be considered a thirty-five per cent
45 disability.

46 The loss of leg shall be considered a forty-five per cent
47 disability.

48 The loss of thigh shall be considered a fifty per cent
49 disability.

50 The loss of thigh at hip joint shall be considered a sixty
51 per cent disability.

52 The loss of little or fourth finger (one phalanx) shall
53 be considered a three per cent disability.

54 The loss of little or fourth finger shall be considered a
55 five per cent disability.

56 The loss of ring or third finger (one phalanx) shall be
57 considered a three per cent disability.

58 The loss of ring or third finger shall be considered a five
59 per cent disability.

60 The loss of middle or second finger (one phalanx) shall
61 be considered a three per cent disability.

62 The loss of middle or second finger shall be considered a
63 seven per cent disability.

64 The loss of index or first finger (one phalanx) shall be
65 considered a six per cent disability.

66 The loss of index or first finger shall be considered a
67 ten per cent disability.

68 The loss of thumb (one phalanx) shall be considered a
69 twelve per cent disability.

70 The loss of thumb shall be considered a twenty per cent
71 disability.

72 The loss of thumb and index finger shall be considered
73 a thirty-two per cent disability.

74 The loss of index and middle finger shall be considered
75 a twenty per cent disability.

76 The loss of middle and ring finger shall be considered a
77 fifteen per cent disability.

78 The loss of ring and little finger shall be considered a
79 ten per cent disability.

80 The loss of thumb, index, and middle finger shall be
81 considered a forty per cent disability.

82 The loss of index, middle and ring finger shall be con-
83 sidered a thirty per cent disability.

84 The loss of middle, ring and little finger shall be con-
85 sidered a twenty per cent disability.

86 The loss of four fingers shall be considered a thirty-two
87 per cent disability.

88 The loss of hand shall be considered a fifty per cent
89 disability.

90 The loss of forearm shall be considered a fifty-five per
91 cent disability.

92 The loss of arm shall be considered a sixty per cent
93 disability.

94 The total and irrecoverable loss of the sight of one eye
95 shall be considered a thirty-three per cent disability, and
96 the injured employee shall be entitled to compensation
97 for a period of one hundred and thirty-two weeks.

98 For the partial loss of vision in one, or both eyes, the
99 percentage of disability shall be determined by the com-
100 missioner, using as a basis the total loss of one eye.

101 The total and irrecoverable loss of the hearing of one ear
102 shall be considered a fifteen per cent disability, and the
103 injured employee shall be entitled to compensation for a
104 period of sixty weeks. The total and irrecoverable loss
105 of the hearing of both ears shall be considered a forty-five
106 per cent disability, and the injured employee shall be
107 entitled to compensation for a period of one hundred
108 eighty weeks.

109 For the partial loss of hearing in one, or both ears, the
110 percentage of disability shall be determined by the com-

111 missioner, using as a basis the total loss of hearing in both
112 ears.

113 (e) Should a claimant to whom has been made a per-
114 manent partial award of from one per cent to eighty-four
115 per cent, both inclusive, die from sickness or noncom-
116 pensable injury, the unpaid balance of such award shall
117 be paid to claimant's dependents as defined in this chap-
118 ter, if any; such payment to be made in the same install-
119 ments that would have been paid to claimant if living:
120 *Provided, however,* That no payment shall be made to any
121 widow of such claimant after her remarriage, and that
122 this liability shall not accrue to the estate of such claimant
123 and shall not be subject to any debts of, or charges against,
124 such estate.

125 (f) The award for permanent disabilities intermediate
126 to those fixed by the foregoing schedule and permanent
127 disability of from one per cent to eighty-four per cent
128 shall be in the same proportion and shall be computed
129 and allowed by the commissioner.

130 (g) The percentage of all permanent disabilities other
131 than those enumerated in subdivisions (c), (d), (e), and

132 (f) of this section shall be determined by the commis-
133 sioner, and award made in accordance with the provisions
134 of subdivision (c).

135 (h) Compensation payable under any subdivision of
136 this section shall be limited as follows: Not to exceed a
137 maximum of thirty-eight dollars a week nor to be less
138 than a minimum of twenty-two dollars a week.

139 (i) Where an injury results in temporary total dis-
140 ability for which compensation is awarded under sub-
141 division (a) of this section and such injury is later de-
142 termined permanent partial disability under subdivision
143 (c), the amount of compensation so paid shall be con-
144 sidered as payment of the compensation payable for such
145 injury in accordance with the schedule in subdivision (c).

146 Compensation, either total temporary or permanent par-
147 tial, under this section shall be payable only to the injured
148 employee and the right thereto shall not vest in his or her
149 estate, except that any unpaid compensation which would
150 have been paid or payable to the employee up to the time
151 of his death, if he had lived, shall be paid to the depend-

152 ents of such injured employee if there be such dependents
153 at the time of death.

154 (j) The following permanent disabilities shall be con-
155 clusively presumed to be total in character:

156 Loss of both eyes or the sight thereof.

157 Loss of both hands or the use thereof.

158 Loss of both feet or the use thereof.

159 Loss of one hand and one foot or the use thereof.

160 In all other cases permanent disability shall be deter-
161 mined by the commissioner in accordance with the facts
162 in the case, and award made in accordance with the pro-
163 visions of subdivision (c).

Sec. 6-a. *Stages of Silicosis; Benefits and Mode of Pay-*
2 *ment to Employees and Dependents.*—An employee shall,
3 for the purpose hereof, be deemed to have silicosis: (1)
4 In the first stage when it is found by the commissioner
5 that the earliest detectable specific signs of silicosis are
6 present, whether or not capacity for work is or has been
7 impaired by such silicosis; (2) In the advanced stage
8 when it is found by the commissioner that definite and
9 specific physical signs of silicosis are present, and that

10 capacity for work is or has been impaired by that disease.

11 Where compensation for silicosis is due an employee
12 under the provisions hereof, such compensation shall be
13 as provided in the following schedule: (a) If the em-
14 ployee is suffering from silicosis in the first stage, the
15 employee shall receive one thousand dollars as compen-
16 sation in full for silicosis that he has sustained as a re-
17 sult of and in the course of his employment to be payable
18 as a lump sum or in periodic installments in the discre-
19 tion of the commissioner, which shall be a final payment
20 and operate as a full release by the employee for com-
21 pensation and for any claim against the employer that
22 the employee may thereafter have for silicosis, and irre-
23 spective of whether the employee thereafter continues in
24 the same employment, he shall not have the right to re-
25 ceive any or further compensation or make any claim
26 because of silicosis, either to the compensation commis-
27 sioner or against his employer, anything to the contrary
28 in this chapter notwithstanding. (b) If the employee is
29 suffering from silicosis in the advanced stage, the per-
30 centage of permanent disability shall be determined by

31 the commissioner in accordance with the facts in the case
32 and with the advice and recommendation of the silicosis
33 medical board. Compensation shall be paid therefor in
34 the same manner and at the same rate as is provided for
35 permanent disability under the provisions of subdivisions
36 (c), (e), (f), (g), and (h) of the preceding section:
37 *Provided*, That the determination by the ^{the} Commissioner
38 of the percentage of permanent disability and acceptance
39 of the first payment on such award by the claimant shall
40 cause the determination to become final and the claimant,
41 except for the remainder due him under such original
42 award shall not have the right to receive any or further
43 compensation or make any claim because of silicosis
44 irrespective of whether the employee thereafter continues
45 in the same employment, either to the compensation com-
46 missioner or against the employer, anything to the con-
47 trary in this chapter notwithstanding: *Provided*, ^{the} *further*,
48 That in no case shall an award for advanced silicosis be
49 less than the compensation herein provided for first stage
50 silicosis. (c) If the employee dies from silicosis within six
51 years from the date of his last injurious exposure to silicon

52 dioxide dust in harmful quantities, the benefits shall be
53 in the amounts and to the persons provided for in section
54 ten of this article; as to such benefits sections eleven to
55 fourteen inclusive, of this article shall apply. (d) In cases
56 of permanent disability or death due to silico-tuberculosis
57 (silicosis accompanied by active tuberculosis of the lungs)
58 compensation shall be payable as for disability or death
59 due to silicosis alone.

OK given
(by SK)
S |

Sec. 8-c. *Silicosis Medical Board; Reports and Distribu-*
2 *tion Thereof; Findings Required of Board; Objection to*
3 *Findings; Procedure Thereon.* — The silicosis medical
4 board, as soon as practicable, after it has completed its
5 investigation, shall make its written report, to the com-
6 missioner, of its findings and conclusions on every medical
7 question in controversy, and the commissioner shall send
8 one copy thereof to the employee or claimant and one
9 copy to the employer, and the board shall also return to
10 and file with the commissioner all the evidence, as well as
11 all statements under oath, if any, of the persons who ap-
12 peared before it on behalf of the employee or claimant,
13 or employer, and also all medical reports and X-ray ex-

14 amination produced by or on behalf of the employee or
15 claimant, or employer.

16 The findings and conclusions of the board shall set forth,
17 among other things, the following:

18 (a) Whether or not the claimant or the deceased em-
19 ployee has contracted silicosis, and, if so, the stage thereof,
20 and in all cases where silicosis is found in an advanced
21 stage, the percentage of permanent disability resulting
22 therefrom.

23 (b) If the claimant or the deceased employee has con-
24 tracted such disease, whether or not the exposure in the
25 employment was sufficient to have caused silicosis or to
26 have perceptibly aggravated an existing silicosis.

27 (c) What, if any, physician appeared before the board
28 on behalf of the claimant, and what, if any, X-rays were
29 produced by or on behalf of the claimant, and what, if
30 any, physician appeared before the board on behalf of
31 the employer, and what, if any, X-rays were produced by
32 or on behalf of the employer.

33 If either party objects to the whole or any part of such
34 findings and conclusions of the board, he shall file with

35 the commissioner, within fifteen days of the mailing of
36 such copy to him unless for good cause shown the com-
37 missioner extends such time, his objections thereto in
38 writing, specifying the particular statements of the
39 board's findings and conclusions to which he objects.
40 After the time has expired for the filing of objections to
41 the findings and conclusions of the board, the commis-
42 sioner shall proceed to act as provided in this chapter.
43 If after the time has expired for the filing of objections
44 to the findings and conclusions of the board no objections
45 have been filed, the report of a majority of the board of
46 its findings and conclusions on any medical question shall
47 be taken to be plenary and conclusive evidence of the
48 findings and conclusions therein stated. If objection has
49 been filed to the findings and conclusions of the board,
50 notice thereof shall be given to the board, and the mem-
51 bers thereof joining in such findings and conclusions
52 shall appear at the time fixed by the commissioner for
53 the hearing to submit to examination and cross-examina-
54 tion in respect to such findings and conclusions. At such
55 hearing evidence to support or controvert the findings and

56 conclusions of the board shall be limited to examination
57 and cross-examination of the members of the board, and
58 to the taking of testimony of other qualified physicians
59 and roentgenologists.

Sec. 9. *Physical and Vocational Rehabilitation.*—In
2 cases where an employee has sustained a permanent dis-
3 ability, or has sustained injuries likely to result in per-
4 manent disability, and such fact has been determined by
5 the commissioner, and the employee can be physically and
6 vocationally rehabilitated and returned to remunerative
7 employment by vocational training, by the use of crutches,
8 artificial limbs, or other approved mechanical appliances,
9 or by medicines, medical, surgical, dental or hospital
10 treatment, the commissioner shall forthwith, after due
11 notice to the employer, expend such an amount as may
12 be necessary for the aforesaid purposes, not, however, in
13 any case, to exceed the sum of twelve hundred dollars.
14 No payment, however, shall be made for such purposes
15 as provided by this section unless authorized by the com-
16 missioner prior to the rendering of such treatment.
17 In every case in which the commissioner shall order

18 physical or vocational rehabilitation of a claimant ~~as~~ pro-
19 vided herein, the claimant shall, during the time he is
20 receiving any vocational rehabilitation or rehabilitative
21 treatment that renders him totally disabled during the
22 period thereof, be compensated on a temporary total dis-
23 ability basis for such period, unless he is being paid com-
24 pensation under an award granted prior to the time such
25 rehabilitation is authorized by the commissioner.

Sec. 10. *Classification of Death Benefits; "Dependents"*

2 *Defined.*—In case a personal injury other than silicosis or
3 other occupational disease, suffered by an employee in
4 the course of and resulting from his employment, causes
5 death within the period of six years and disability is con-
6 tinuous from date of such injury until date of death, or if
7 death results from silicosis or from any other occupational
8 disease within six years from the date of the last ex-
9 posure to the hazard of silicon dioxide dust or to the other
10 particular occupational hazard involved, as the case may
11 be, the benefits shall be in the amounts and to the persons
12 as follows:

13 (a) If there be no dependents, the disbursements shall

14 be limited to the expense provided for in sections three
15 and four of this article.

16 (b) If the deceased employee leaves a dependent widow
17 or invalid widower, the payment shall be seventy-five
18 dollars a month until death or remarriage of such widow
19 or widower, and in addition twenty dollars a month for
20 each child under eighteen years of age, to be paid until
21 such child reaches such age, or, if an invalid child, twen-

22 ty-five dollars a month, to continue as long as such child
23 remains ~~as~~ invalid: *Provided, however,* That if such
24 widow or invalid widower shall remarry within ten years
25 from the date of the death of such employee, such widow
26 or widower shall be paid at the time of remarriage twenty
27 per cent of the amount that would be due for the period
28 remaining between the date of such remarriage and the
29 end of ten years from the date of death of such employee,
30 and such widow or widower shall be advised in writing
31 by the commissioner of his or her rights under this pro-
32 viso at the time of making the original award: *Provided*
33 *further,* That if upon investigation and hearing, as pro-
34 vided in article five of this chapter, it shall be ascertained

up 7/1/11
(key 76)
an

35 that such widow or widower is living with a man or wom-
36 an, as the case may be, as man and wife and not married,
37 or that the widow is living a life of prostitution, the com-
38 missioner shall stop the payments of the benefits herein
39 provided to such widow or widower.

40 If the deceased employee be a widow or widower and
41 leaves a child or children under the age of eighteen years,
42 the payments shall be twenty-five dollars a month to each
43 child until he or she reaches the age of eighteen years.

44 In all awards of compensation to children, unless other-
45 wise provided herein, the award shall be until they reach
46 the age of eighteen years or until their death prior
47 thereto.

48 (c) If the deceased employee leaves no dependent
49 widow or widower and leaves a wholly dependent father
50 or mother, he or she shall be paid the sum of sixty dollars
51 a month, payments to continue until death, and if there
52 be no widow or widower and both the father and mother
53 are wholly dependent, then a joint award shall be made
54 to the father and mother in the sum of sixty dollars a
55 month until death.

56 Upon the death of either the father or mother in any
57 case in which a joint award has been made to them, the
58 full award of sixty dollars a month shall be paid to the
59 survivor until his or her death.

60 (d) If the deceased employee leaves no dependent
61 widow or widower or wholly dependent father or mother
62 but there are other wholly dependent persons, as defined
63 in paragraph (f) of this section, the payment shall be
64 fifty dollars a month, to continue for six years after the
65 death of the deceased, except as otherwise provided
66 herein.

67 (e) If the deceased employee leaves no dependent
68 widow or widower, child under eighteen years of age, or
69 wholly dependent person, but there are partially depend-
70 ent persons at the time of death, the payment shall be
71 twenty dollars a month, to continue for such portion of
72 the period of six years after the death, as the commissioner
73 may determine, but no such partially dependent person
74 shall receive compensation payments as a result of the
75 death of more than one employee.

76 Compensation under subdivisions (b), (c), (d) and (e)

77 hereof shall, except as may be specifically provided to
78 the contrary therein, cease upon the death of the depend-
79 ent, and the right thereto shall not vest in his or her
80 estate.

81 (f) Dependent, as used in this chapter, shall mean a
82 widow, invalid widower, child under eighteen years of
83 age, invalid child or posthumous child, who, at the time
84 of the injury causing death, is dependent in whole or in
85 part for his or her support upon the earnings of the em-
86 ployee; also the following persons who are and con-
87 tinue to be residents of the United States or its territorial
88 possessions: Stepchild under eighteen years of age, child
89 under eighteen years of age legally adopted prior to the
90 injury causing death, father, mother, grandfather or
91 grandmother, who, at the time of the injury causing
92 death, is dependent in whole or in part for his or her sup-
93 port upon the earnings of the employee; an invalid broth-
94 er or sister wholly dependent for his or her support upon
95 the earnings of the employee at the time of the injury
96 causing death.

Sec. 15. *Application for Benefits; Report of Injuries by*

2 *Employer.*—To entitle any employee or dependent of a
3 deceased employee to compensation under this chapter,
4 other than for silicosis or other occupational disease, the
5 application therefor must be made on the form or forms
6 prescribed by the commissioner and filed in the office of
7 the commissioner within one year from and after the
8 injury or death, as the case may be, and all proofs of
9 dependency in fatal cases must likewise be filed with
10 the commissioner within one year from and after the
11 death. In case the employee is mentally or physically
12 incapable of filing such application, it may be filed by his
13 attorney or by a member of his family. It shall be the
14 duty of every employer to report to the commissioner
15 every injury sustained by any person in his employ.
16 Such report shall be on forms prescribed by the commis-
17 sioner and shall be made within sixty days from the date
18 the employer first receives knowledge of such injury.

19 To entitle any employee to compensation for silicosis
20 under the provisions hereof, the application therefor
21 must be made on the form or forms prescribed by the

22 commissioner and filed in the office of the commissioner
23 within two years from and after the last day of the last
24 continuous period of sixty days or more during which
25 the employee was exposed to the hazard of silicon dioxide
26 dust or to the other particular occupational hazard in-
27 volved, as the case may be, or, in the case of death, the
28 application shall be filed as aforesaid by the dependent
29 of such employee within one year from and after such
30 employee's death.

31 To entitle any employee to compensation for occupa-
32 tional disease other than silicosis under the provisions
33 hereof, the application therefor must be made on the form
34 or forms prescribed by the commissioner and filed in the
35 office of the commissioner within two years from and
36 after the day on which the employee was last exposed to
37 the particular occupational hazard involved, or, in the
38 case of death, the application shall be filed as aforesaid
39 by the dependent of such employee within one year from
40 and after such employee's death.

Sec. 15-c. *Nonmedical Questions Determined by Com-*
2 *missioner on Hearing of Claim for Occupational Diseases*

3 *Other than Silicosis.*—On the hearing of a claim for com-
4 pensation for an occupational disease other than silicosis,
5 the commissioner shall hear, determine and file findings
6 covering, but not limited to, the following nonmedical
7 questions:

8 (a) Whether the employee was in fact, within two
9 years prior to the filing of his claim, in the employ of the
10 employer, and, if so, the duration of such employment
11 and whether or not such employment was subject to the
12 provisions hereof.

13 (b) The occupation or occupations, process or proc-
14 esses, in which the employee was engaged during such
15 employment and the approximate periods of work in each
16 such occupation or process.

17 (c) The employments, previous and subsequent to the
18 employment out of which the claim arose, the duration
19 thereof and the exposure therein to the hazard causing the
20 occupational disease.

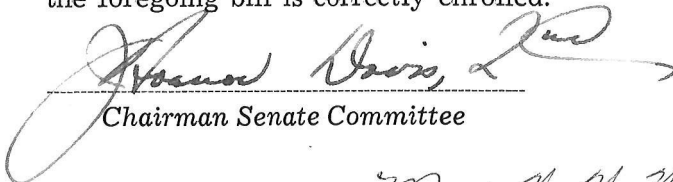
21 (d) Whether the last injurious exposure to the hazard
22 causing occupational disease in the employment with the
23 employer occurred within two years prior to the filing of

24 the claim, and if the employee is no longer in the service
25 of the employer, the date upon which such employee
26 ceased so to work; and, if the employee has died, the date
27 and place of such death, and the place of interment of
28 the body.

29 The parties may in writing waive the hearing required
30 by this section, in which case the commissioner shall de-
31 termine the nonmedical facts listed above, and such other
32 nonmedical facts as may in his opinion be pertinent to a
33 decision on the validity of the claim.

34 The commissioner shall give each interested party
35 notice in writing of his findings with respect to all such
36 nonmedical facts, and such findings shall be subject to
37 objection and hearing as provided in section one, article
38 five of this chapter.

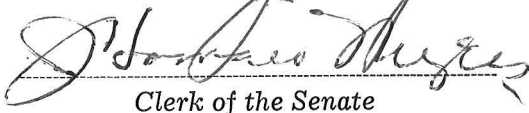
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

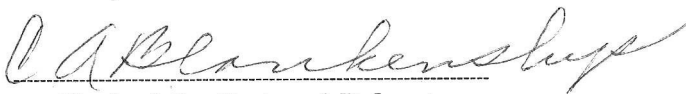

Chairman Senate Committee


Chairman House Committee


Originated in the Senate.

Takes effect July 1st, 1961 passage.

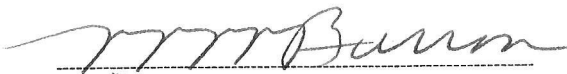

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 17th
day of March, 1961.


Governor



Filed in Office of the Secretary of State
of West Virginia MAR 17 1961
JOE E. BURDITT
SECRETARY OF STATE