

HB 5395

# 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.]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2024 MAR 26 P 2: 35

FILED



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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1 [Repealed.]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.

*Steve Harrison*  
.....  
Clerk of the House of Delegates

*Joe Linn*  
.....  
Clerk of the Senate

2024 MAR 26 P 2:35  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

FILED

Originated in the House of Delegates.

In effect from passage.

*Ben Hanger*  
.....  
Speaker of the House of Delegates

*COBS*  
.....  
President of the Senate

The within is *approved* this the *26th*  
Day of *March*, 2024.

*James Justice*  
.....  
Governor





PRESENTED TO THE GOVERNOR

MAR 21 2024

Time 10:42am