

# MEMO

**FROM:** *RAR* **Workers' Compensation Office of Judges  
Rebecca Roush, Chief Administrative Law  
Judge**

*WJS* **Workers' Compensation Board of Review  
W. Jack Stevens, Chairman**

**TO:** **All workers' compensation practitioners**

**DATE:** **October 30, 2013**

**SUBJECT:** **Office of Judges' and Board of Review's  
procedure for implementing W.Va. Code §23-5-  
16(c)**

W.Va. Code §23-5-16(c), which became effective on July 12, 2013, provides for an award of attorney fees and costs to the claimant's counsel after a final decision in which the claimant successfully prevails in a proceeding relating to a denial of medical benefits.

Attached is a form Petition to be submitted by claimant's attorney within 30 days following a final decision, if claimant's attorney wishes to request an award of attorney fees and costs.

Claimant's counsel will serve copies of the Petition on the claimant, employer, claims administrator, and employer's counsel. If the event claimant's counsel does not specify that notice was provided, the Office of Judges/Board of Review will send a copy of the Petition to the parties/counsel.

Employer's counsel may submit a Response to the Office of Judges/Board of Review within 10 days of receipt of the Petition.

The Office of Judges/Board of Review shall consider the Petition and the Response, if any is timely submitted, and shall enter an order within 30 days of receipt of the Petition.