

By: Watson

To: Insurance

HOUSE BILL NO. 786

1 AN ACT TO AMEND SECTION 71-3-51, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT APPEALS FROM THE WORKERS' COMPENSATION COMMISSION
3 SHALL BE TO THE COURT OF APPEALS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 71-3-51, Mississippi Code of 1972, is
6 amended as follows:

7 71-3-51. The final award of the commission shall be
8 conclusive and binding unless either party to the controversy
9 shall, within thirty (30) days from the date of its filing in the
10 office of the commission and notification to the parties, appeal
11 therefrom to the Court of Appeals.

12 Such appeal may be taken by filing notice of appeal with the
13 commission, whereupon the commission shall under its certificate
14 transmit to the Court of Appeals all documents and papers on file
15 in the matter, together with a transcript of the evidence, the
16 findings, and award, which shall thereupon become the record of
17 the cause. Appeals shall be considered only upon the record as
18 made before the commission. The Court of Appeals shall always be
19 deemed open for hearing of such appeals * * *. The Court of
20 Appeals shall review all questions of law and of fact. If no
21 prejudicial error be found, the matter shall be affirmed and

22 remanded to the commission for enforcement. If prejudicial error
23 be found, the same shall be reversed and the Court of Appeals
24 shall enter such judgment or award as the commission should have
25 entered. Appeals may be taken from the Court of Appeals to the
26 Supreme Court in the manner as now required by law. An appeal
27 from the commission to the Court of Appeals shall not act as a
28 supersedeas unless the court to which such appeal is directed
29 shall so direct, and then upon such terms as such court shall
30 direct.

31 No controversy shall be heard by the commission or an award
32 of compensation made therein while the same matter is pending
33 either before a federal court or in any court in this state.

34 Any award of compensation made by the Court of Appeals and
35 appealed to the Supreme Court shall bear the same interest and
36 penalties as do other judgments awarded in the Court of Appeals.

37 SECTION 2. This act shall take effect and be in force from
38 and after July 1, 2000.