

By: Representative Upshaw

To: Insurance

HOUSE BILL NO. 854

1 AN ACT TO AMEND SECTION 71-3-51, MISSISSIPPI CODE OF 1972, TO
2 REMOVE REVIEW OF WORKER'S COMPENSATION CLAIMS BY CIRCUIT COURTS;
3 TO PROVIDE FOR DIRECT APPEAL TO THE MISSISSIPPI SUPREME COURT FROM
4 THE WORKER'S COMPENSATION COMMISSION; AND FOR RELATED PURPOSES.

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

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

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

13 Such appeal may be taken by filing notice of appeal with the
14 commission, whereupon the commission shall under its certificate
15 transmit to the Supreme Court all documents and papers on file in
16 the matter, together with a transcript of the evidence, the
17 findings, and award, which shall thereupon become the record of
18 the cause. Appeals shall be considered only upon the record as
19 made before the commission. The Supreme Court shall always be
20 deemed open for hearing of such appeals, the justices may hear the
21 same at termtime by panel or sitting en banc. The Supreme Court
22 shall review all questions of law and of fact. If no prejudicial
23 error be found, the matter shall be affirmed and remanded to the
24 commission for enforcement. If prejudicial error be found, the
25 same shall be reversed and the Supreme Court shall enter such
26 judgment or award as the commission should have entered. * * *

27 No controversy shall be heard by the commission or an award

28 of compensation made therein while the same matter is pending
29 either before a federal court or in any court in this state.

30 Any award of compensation made by the commission and appealed
31 to the Supreme Court shall bear the same interest and penalties as
32 do other judgments awarded in the commission hearing.

33 **SECTION 2.** This act shall take effect and be in force from
34 and after July 1, 2006.