

4123-21-08 Controversion of claims.

(A) The bureau of workers' compensation is authorized under regulations promulgated by the United States department of labor to act as an insurance carrier with respect to liabilities created by Title IV of the "Federal Coal Mine Health and Safety Act of 1969," as amended. In this capacity, it is recognized under applicable provisions of federal law and regulations as a party in interest to all proceedings regarding claims filed against employers insured by said fund.

(B) All notices of claims received from employers insured by the coal-workers' pneumoconiosis fund, and all notices of claims received from the department of labor shall be promptly reviewed by the bureau. The administrator or the administrator's designee shall be authorized to file notices of controversion in the name of the coal-workers' pneumoconiosis fund, in all cases wherein such action is warranted by the facts of the case or the law applicable to such facts.

(C) In any controverted claim the administrator or designee is authorized to represent the interest of the coal-workers' pneumoconiosis fund in all proceedings pertinent to the controverted claim. This rule shall not be construed to limit or preclude a subscriber from obtaining private counsel to represent it in such claims and expenses thereby incurred shall be the responsibility of the subscriber.

(D) Expenses in connection with the controversion of claims by the coal-workers' pneumoconiosis fund shall be charged to the coal-workers' pneumoconiosis fund.

Effective: 2/22/90

Prior Effective Dates: 6/3/82, 12/18/89 (Emer.)