



INDUSTRIAL COMMISSION OF **ARIZONA**

Substantive Policy Statement

Title: Notice Requirement of ARS §23-1061(F)	Effective: May 1, 2025
Approved by the Industrial Commission: May 1, 2025	Issued: May 1, 2025

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

Notice Requirement under ARS §23-1061(F)

Arizona Revised Statute (A.R.S.) § 23-1061(A) and (B) state:

- A. Notwithstanding section 23-908, subsection E, no claim for compensation shall be valid or enforceable unless the claim is filed with the commission by the employee, or if resulting in death by the parties entitled to compensation, or someone on their behalf, in writing within one year after the injury occurred or the right thereto accrued. The time for filing a compensation claim begins to run when the injury becomes manifest or when the claimant knows or in the exercise of reasonable diligence should know that the claimant has sustained a compensable injury. Except as provided in subsection B or N of this section, neither the commission nor any court shall have jurisdiction to consider a claim that is not timely filed under this subsection, except if the employee or other party entitled to file the claim has delayed in doing so because of justifiable reliance on a material representation by the commission, employer or insurance carrier or if the employee or other party entitled to file the claim is insane or legally incompetent or incapacitated at the time the injury occurs or the right to compensation accrues or during the one-year period thereafter. If the

insanity or legal incompetence or incapacity occurs after the one-year period has commenced, the running of the remainder of the one-year period shall be suspended during the period of insanity or legal incompetence or incapacity. If the employee or other party is insane or legally incompetent or incapacitated when the injury occurs or the right to compensation accrues, the one-year period commences to run immediately on the termination of insanity or legal incompetence or incapacity. The commission on receiving a claim shall give notice to the insurance carrier.

B. Failure of an employee or any other party entitled to compensation to file a claim with the commission within one year or to comply with section 23-908 shall not bar a claim if the insurance carrier or employer has commenced payment of compensation benefits under section 23-1044, 23-1045 or 23-1046, except that the payments provided for by section 23-1046, subsection A, paragraph 1 and section 23-1065, subsection A shall not be considered compensation benefits for the purposes of this section.

Arizona Revised Statute (A.R.S.) § 23-1061(F) states:

Each insurance carrier and self-insuring employer shall report to the commission a notice of the first payment of compensation and shall serve on the commission and the employee any denial of a claim, any change in the amount of compensation and the termination of compensation, except that claims for medical, surgical and hospital benefits that are not denied shall be reported to the commission in the form and manner determined by the commission. In all cases where compensation is payable, the insurance carrier or self-insuring employer shall promptly determine the average monthly wage pursuant to section 23-1041. Within thirty days after the payment of the first installment of compensation, the insurance carrier or self-insuring employer shall notify the employee and commission of the average monthly wage of the claimant as calculated, and the basis for such determination. The commission shall then make its own independent determination of the average monthly wage pursuant to section 23-1041. The commission, within thirty days after receipt of such notice, shall notify the employee, employer and insurance carrier of such determination. The amount determined by the commission shall be payable retroactive to the first date of entitlement. The first payment of compensation shall be accompanied by a notice on a form prescribed by the commission stating the manner in which the amount of compensation was determined.

Therefore, where a Carrier has accepted a claim and has not received notification from the Industrial Commission of Arizona, the obligations under § 23-1061(F) still apply.