



Industrial Commission of Arizona Substantive Policy Statement

Title: Notification of Parties in Workers' Compensation Matters	Effective: February 19, 2019
Approved by the Industrial Commission: November 8, 2018	Issued: November 8, 2018

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.

Notification of Parties in Workers' Compensation Matters

Arizona Administrative Code (A.A.C.) R20-5-158(A) generally states that “[a]n award, decision, order, subpoena, notice, document, or other matter required by the Arizona Workers’ Compensation Act, Article 1 of Title 20 of the Arizona Administrative Code, or other law to be served **shall be made upon a party** or, if represented, the party’s authorized representative.” (Emphasis added.) See also A.R.S. § 23-941(D) (“At least twenty days’ prior notice of the time and place of the hearing shall be given to all parties in interest by mail at their last known address.”); A.R.S. § 23-942(C) (“A copy of the award shall be sent forthwith by mail to all parties in interest.”); A.R.S. § 23-943(D) (“Notice of the review shall be given to the parties by mail.”); A.R.S. § 23-1047(C) (“The commission shall mail a copy of the determination to all interested parties.”); A.A.C. R20-5-133(C) (“[T]he commission shall notify all parties, in writing . . .”).

An “interested party” under that Arizona Workers’ Compensation Act includes: “the employer, the employee, . . . the insurance carrier or their representative.” A.R.S. § 23-901(10). The term “authorized representative” refers to “an individual authorized by law to act on behalf of a party who files with the Commission a written instrument advising of the individual’s authority to act on behalf of the party.” A third-party administrator for a carrier or self-insured employer is not a party that the Commission is obligated to notify or serve in workers’ compensation matters. See A.A.C. R20-5-102; *General Tire Co. v. Indus. Comm'n of Ariz.*, 750 P.2d 1377, 1381, 156 Ariz. 174, 178 (App. 1988).

This interpretation is further supported in the Arizona Workers’ Compensation Act and related regulations, which consistently require notification on carriers and self-insured employers. See A.R.S. § 23-1061(A) (“The commission upon receiving a claim shall give notice to the carrier.”); A.R.S. § 23-1061(F) (“The commission shall within thirty days after receipt of such [average monthly wage] notice notify the employee, employer and carrier of such determination.”); A.R.S. § 23-1061(I) (“Upon filing of a petition to reopen a claim the commission shall in writing notify

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the employer's insurance carrier or the self-insuring employer"); A.R.S. § 23-1062(D) ("The first installment of compensation is to be paid no later than the twenty-first day after written notification by the commission to the carrier of the filing of a claim"); A.R.S § 23-1070.01 ("[T]he commission shall . . . [i]mmediately issue a notice to all parties setting a hearing date"); A.A.C. R20-5-163(F) ("[T]he claims manager shall mail a notice of alleged bad faith or unfair claim processing practices to the claimant or the claimant's authorized representative and the: 1. Employer; 2. Self-insured employer; 3. Insurance carrier; or 4. Claims processing representative.").