

---

---

# A BILL FOR AN ACT

RELATING TO TEMPORARY DISABILITY INSURANCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 392-72, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "§392-72 Appeals, filing, and hearing. (a) If a person  
4 disputes the amount of benefits, paid under part III or part IV,  
5 or the denial of benefits, the claimant may file an appeal, in  
6 the form and manner prescribed by [~~regulation~~] rule of the  
7 director, at the office of the department [~~in the county in~~  
8 ~~which the claimant resides or in the county in which the~~  
9 ~~claimant was employed prior to the claimant's disability~~],  
10 within twenty days after the date of payment of such disputed  
11 benefits or the denial thereof. Notice of the appeal shall be  
12 served upon the employer or insurer or the trust fund for  
13 disability benefits in the form and manner prescribed by  
14 [~~regulation~~] rule of the director. Notice of a hearing of an  
15 appeal shall be sent by electronic service or by first class  
16 mail to the claimant and employer or insurer or trust fund for  
17 disability benefits at least fifteen calendar days prior to the



1 hearing. If electronic service or first class mail is attempted  
2 but not made, and the department has been unable to ascertain  
3 the address of the party after reasonable and diligent inquiry,  
4 the notice of hearing may be given to the party by online  
5 posting on the department's webpage. The online posting shall  
6 appear at least fifteen calendar days prior to the date of the  
7 hearing. The online posting shall be removed from the webpage  
8 no less than five business days after the date of the hearing.

9 (b) The appeal [~~shall~~] may be heard in [~~the~~] any county  
10 [~~in which the appeal is filed; provided that the director may by~~  
11 ~~regulation provide for good cause for the holding of a hearing~~  
12 ~~in another county], and parties may appear at the hearing in  
13 person, by telephone, or by other communication devices approved  
14 by the department, or by a combination of the preceding. The  
15 parties shall be provided with notice of the hearing and shall  
16 be provided with the opportunity to object to the hearing being  
17 held in a county other than the county in which the claimant  
18 resides or in which the claimant was employed prior to the  
19 claimant's disability. Upon such objection, the hearing shall  
20 be heard in the county in which the claimant resides or in which  
21 the claimant was employed prior to the claimant's disability.~~



1 Failure to object to the location of the hearing within the time  
2 specified in the notice shall be deemed consent by the parties  
3 to the location of the hearing. The department may provide for  
4 the taking of depositions. Unless the appeal is withdrawn with  
5 the permission of the referee, the referee after affording the  
6 parties reasonable opportunity for a fair hearing shall make  
7 findings and conclusions and on the basis thereof affirm,  
8 modify, or deny the disputed benefits. In the event a party  
9 fails to appear at the hearing, the referee shall issue a  
10 decision based on the available information. All parties shall  
11 be promptly notified of the decision of the referee and shall be  
12 furnished with a copy of the decision and the findings and  
13 conclusions in support thereof and the decision shall be final  
14 and shall be binding unless a proceeding for judicial review is  
15 initiated pursuant to section 392-75; provided that within the  
16 time provided for taking an appeal and prior to the filing of a  
17 notice of appeal, the referee may reopen the matter, upon  
18 application of the director or any party, or upon the referee's  
19 own motion, and thereupon may take further evidence or may  
20 modify the referee's decision, findings, or conclusions. In the  
21 event the matter is reopened, the referee shall render a further



1 decision in the matter, either reaffirming or modifying the  
2 referee's original decision, and notice shall be given thereof  
3 in the manner hereinbefore provided. The time to initiate  
4 judicial review shall run from the notice of such further  
5 decision if the matter has been reopened."

6 SECTION 2. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Temporary Disability Insurance; Hearing Location; Service;  
Notice

**Description:**

Permits filing of an appeal of a decision related to temporary disability insurance at any DLIR office. Authorizes service of notice of hearing of an appeal through various media. Provides for conduct of a hearing at various locations statewide. Specifies procedure in the event a party fails to appear at the hearing. (HB1112 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

