

PENNSYLVANIA COMPENSATION RATING BUREAU
RULES OF PROCEDURE FOR APPEALS OF THE RATING SYSTEM

A. Any policyholder aggrieved by the application of the Rating System of the Pennsylvania Compensation Rating Bureau (PCRB) may appeal such application to the PCRB in accordance with this appeals procedure (Procedure). "Rating System" is defined to include all workers compensation insurance pricing programs subject to rules set forth in this Manual. The appeal must be filed directly with the PCRB during the policy period with respect to which the application is made, or within twelve months after the termination thereof. Appeals filed beyond this time period will not be granted.

EXCEPTION: An appeal for revision of losses used in experience or merit rating is governed by the Revision of Losses provisions of this Manual.

B. An aggrieved party who wants to appeal a PCRB decision concerning an application of the Rating System must first submit a written request for review to the PCRB, together with all information in support of its appeal. PCRB staff will review the request and supporting information. To make certain the facts of an appeal are fully agreed upon, PCRB staff may make written inquiries to the appellant and/or survey the appellant's Pennsylvania workplace(s). The appellant shall provide complete responses to such inquiries, and shall provide full access to such workplace(s). The PCRB will then notify the appellant in writing that the PCRB staff's review has been completed and provide to the appellant (or its designated representative) the PCRB staff's final decision.

C. If the appellant is aggrieved following completion of the PCRB staff's review and final decision, the appellant has the right to present its appeal to an Appeals Subcommittee of the PCRB's Classification and Rating Committee (Appeals Subcommittee). An appeal may be taken to the Insurance Commissioner only after the appellant has first exhausted its rights pursuant to this Procedure.

D. An Appeals Subcommittee convened to consider an appeal shall be comprised of an equal number of employer representative members and insurer members of the PCRB's Classification and Rating Committee, none of whom may have a direct pecuniary interest in the aggrieved party's appeal.

E. All appeals must be filed with the PCRB no later than thirty (30) days from the date of the PCRB staff's final decision and meet the following requirements:

1. The appeal must be in writing.
2. The appeal must set forth in detail the nature of the complaint, including all reasons for believing the PCRB decision to be in error, all documents in support of the appeal and the specific nature of the relief desired.
3. The aggrieved party (or its designated representative) must agree to appear before an Appeals Subcommittee of the Classification and Rating Committee.

F. Following receipt of an appeal of a PCRB final decision, the PCRB will notify the appellant of the time and place of the Appeals Subcommittee meeting at which the matter will be heard.

G. The procedure at the Appeals Subcommittee hearing is informal: The appellant may make an oral presentation of its case or rely solely upon the written material previously submitted to the PCRB in connection with the appeal. PCRB

staff may present testimony and other information to the Appeals Subcommittee relevant to the appeal.

The appellant and/or the PCRB may also present third-party witnesses and documentary evidence relevant to the appeal.

The appellant and the PCRB shall have the opportunity to direct questions to any witness who has testified before the Appeals Subcommittee.

After all testimony and other evidence have been presented, the hearing shall be declared closed by the Chair of the Appeals Subcommittee.

After the hearing is closed, the Appeals Subcommittee shall arrive at its decision in executive session. Attendance at the executive session is limited to members of the Appeals Subcommittee and PCRB legal counsel.

The effective date of the decision will be specifically determined by the Appeals Subcommittee, in accordance with Manual rules.

H. A record of meeting of the Appeals Subcommittee will be kept by PCRB staff. As hearings before the Appeals Subcommittee are informal, there is no stenographic, audio or video record. The Appeals Subcommittee decision will be included in the record of meeting and retained in the records of the PCRB.

I. Travel expenses for the appellant will be reimbursed in the same manner as for members of the Appeals Subcommittee. Reimbursement is payable on a per appeal basis, i.e., multiple reimbursements will not be paid when more than one appellant representative attends the Appeals Subcommittee meeting.

J. The decision of the Appeals Subcommittee shall be set forth in writing, include the basis for the decision, and be sent to the appellant no later than thirty (30) days after the hearing.

K. An appellant is not required to be represented by an attorney. However, an appellant has the right, at the appellant's expense, to be represented by an attorney. An appellant who is represented by an attorney shall notify the PCRB of such representation in writing in advance of the hearing, and shall furnish the PCRB with the attorney's name, mailing address and e-mail address. After the PCRB has received such notification from an appellant, all subsequent correspondence related to the appeal will be directed to the attorney designated by the appellant.

L. Notice regarding the time and place of the Appeals Subcommittee hearing as well as the Appeals Subcommittee decision in the matter will be provided to the appellant (or its attorney) in writing, via e-mail (if agreed upon) or first class mail.

M. Appeals from a final decision of the Appeals Subcommittee must be filed with the Insurance Commissioner in writing within thirty (30) days of the mailing date of the Appeals Subcommittee's decision. The appeal to the Insurance Commissioner should be directed to the Administrative Hearings Office and must set forth the basis for the appeal and the grounds being relied upon by the appellant.

N. Nothing contained in this Procedure shall prevent efforts to resolve any dispute on an informal basis at any stage of these proceedings.