

**RULE 099.28 DEATH AND PERMANENT TOTAL DISABILITY
TRUST FUND CLAIMS**

#099.28

A. DEATH CLAIMS

(1) Employers or their designees shall report all work-related deaths by filing forms AR-D and AR-W with the Death and Permanent Total Disability Trust Fund within 30 days of the death.

(2) Employers or their designees shall update the AR-D form in A.(1) within 10 days of receipt of additional information or claims.

(3) Employers or their designees shall provide notice to the Death and Permanent Total Disability Trust Fund within 15 days of controverting a claim for dependent benefits.

B. PERMANENT TOTAL DISABILITY CLAIMS

(1) Employers or their designees shall file an AR-D form with the Death and Permanent Total Disability Trust Fund within 30 days of acknowledging permanent total disability liability. Thereafter, an AR-D form shall be filed with the Death and Permanent Total Disability Trust Fund January 31 of each year benefits are paid except in claims in which the Death and Permanent Total Disability Trust Fund has issued a Certificate of Acceptance.

(2) (a) Any party desiring to join the Death and Permanent Total Disability Trust Fund in a controverted claim for permanent and total disability benefits shall notify the Workers' Compensation Commission Special Funds Administrator and all other parties by written notice and a form of mail requiring a signed receipt, no later than sixty (60) days prior to the hearing.

(b) The notice provided in B.(2)(a) must include all documentary and other evidence the party intends to rely upon to support the claim of liability.

(3) Failure to provide notice as set out in B.(2) shall constitute a waiver of a claim of Death and Permanent Total Disability Trust Fund liability until such time as the notice requirements are met.

C. DELINQUENT CLAIMS

(1) Failure to comply with the notice requirements of A.(1) and B.(1) above shall result in a penalty of \$15 per day for each day an employer or its designee fails to comply, up to a maximum penalty of \$10,000, unless, after a showing of good cause, failure to provide notice is excused by the Commission.

(2) Employers or their designees who violate C.(1) shall continue to make payments for appropriate death and permanent total disability benefits in addition to the statutory maximum provided in Ark. Code Ann. § 11-9-502(b)(1) for 90 days after the AR-D form is filed with the Death and Permanent Total Disability Trust Fund.

D. DUE PROCESS RIGHTS

The Death and Permanent Total Disability Trust Fund has an absolute right to investigate, challenge, and defend any claim made against it within 90 days of receipt of notice of the claim, or a longer period for good cause shown.

(Effective originally on April 1, 1989; Revision approved December 1, 2003, effective January 1, 2004)