

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1997 MTWCC 17

WCC No. 9611-7659

SAMUEL C. WYLIE

Petitioner

vs.

STATE COMPENSATION INSURANCE FUND

Respondent/Insurer for

MONTANA DEPARTMENT OF JUSTICE

Employer.

ORDER DENYING MOTION FOR SUMMARY JUDGMENT

Summary: Relying on *Haag v. MSGIA*, 274 Mont. 109, 906 P.2d 693 (1995), petitioner moves for summary judgment holding the insurer liable for his claim on account of the insurer's failure to accept or deny the claim within 30 days after the claim was submitted to his employer.

Held: Where section 39-71-606(1), MCA, requires an insurer to accept or deny a claim "within 30 days of receipt of a claim for compensation," it is the insurer's receipt of a claim that triggers the obligation, not the employer's. Motion denied.

Topics:

Constitutions, Statutes, Regulations, and Rules: Montana Code Annotated: section 39-71-606(1), MCA. Where section 39-71-606(1), MCA, requires an insurer to accept or deny a claim "within 30 days of receipt of a claim for compensation," it is the insurer's receipt of a claim that triggers the obligation, not the employer's.

Cases Discussed: Workers' Compensation Court Cases: *Haag v. MSGIA*. Where section 39-71-606(1), MCA, requires an insurer to accept or deny a claim "within 30 days of receipt of a claim for compensation," it is the insurer's receipt of a claim that triggers the obligation, not the employer's.

Claims: Acceptance. Where section 39-71-606(1), MCA, requires an insurer to accept or deny a claim "within 30 days of receipt of a claim for compensation," it is the insurer's receipt of a claim that triggers the obligation, not the employer's.

Relying on *Haag v. School Dist. No. 1, Great Falls Pub. Schs.*, 274 Mont. 109, 906 P.2d 693 (1995), petitioner moves for summary judgment holding the respondent liable for his claim on account of the insurer's failure to accept or deny his claim within 30 days after the claim was submitted to his **employer**. The motion is **denied**. Section 39-71-606(1), MCA, requires an insurer to accept or deny a claim "within 30 days of receipt of a claim for compensation." It is the **insurer's** receipt of the claim that triggers the obligation. Petitioner has not set forth facts indicating that the insurer failed to act upon his claim within 30 days after **it** received his claim.

DATED in Helena, Montana, this 13th day of April, 1997.

(SEAL)

\S\ Mike McCarter

JUDGE

c: Mr. Steve Fletcher

Ms. Susan C. Witte

Submitted: March 6, 1997