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HOUSE BILL 488

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Debbie A. Rodella

AN ACT

**RELATING TO PUBLIC EMPLOYEES; SETTING A TIME LIMIT FOR FINAL
DECISION IN ADMINISTRATIVE APPEALS FOR DENIAL OF DISABILITY
BENEFITS; PROVIDING A REMEDY TO CLAIMANT IF TIME LIMIT IS
EXCEEDED.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 10-11-120 NMSA 1978 (being Laws 1987,
Chapter 253, Section 120, as amended) is amended to read:**

**"10-11-120. DENIAL OF BENEFIT CLAIM - APPEALS - LIMITATION
ON TIME FOR DECISION - REMEDY OF CLAIMANT. - -**

**A. A benefit claimant shall be notified in writing
of a denial of a claim for benefits within thirty days of the
denial. The notification shall give the reason for the
denial. A claimant may appeal the denial and request a
hearing. The appeal shall be in writing filed with the**

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1 association within ninety days of the denial. The appeal
2 shall contain a statement of the claimant's reason for
3 claiming the denial to be improper. The retirement board
4 shall schedule a de novo hearing of the appeal before the
5 retirement board or, at the discretion of the retirement
6 board, a designated hearing officer or committee of the
7 retirement board within sixty days of receipt of the appeal.
8 A final decision on the matter being appealed shall be made by
9 the retirement board within one hundred twenty days from the
10 date of the conclusion of the hearing and if not made within
11 that time limit, the benefits claimed by the claimant shall be
12 awarded and the denial reversed effective retroactively to the
13 date the denial of the claim was made.

14 B. Appeals from a final decision of the retirement
15 board may be filed pursuant to the provisions of Section
16 [~~12-8A-1~~] 39-3-1.1 NMSA 1978. "

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 16, 1999
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8 Mr. Speaker:
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10 Your LABOR AND HUMAN RESOURCES COMMITTEE, to
11 whom has been referred
12

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,
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22 _____
23 Sheryl Williams Stapleton,
24 Chairwoman
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FORTY-FOURTH LEGISLATURE
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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 5 For 0 Against

11 Yes: 5

12 Excused: None

13 Absent: Foley, Roberts, Thompson, Tripp

15 J: \99BillsWP\H0488

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