

34A-2-208 Right to compensation when employer fails to comply.

- (1) Any employee, or the employee's dependents if death has ensued, may, in lieu of proceeding against the employee's employer by civil action in the courts as provided in Section 34A-2-207, file an application with the Division of Adjudication for compensation in accordance with this chapter or Chapter 3, Utah Occupational Disease Act, when:
 - (a) the employee's employer failed to comply with Section 34A-2-201;
 - (b) the employee has been injured by accident arising out of or in the course of the employee's employment, wherever the injury occurred; and
 - (c) the injury described in Subsection (1)(b) was not purposely self-inflicted.
- (2) An application for compensation filed under Subsection (1) shall be treated by the commission, including for purposes of appeal to the commissioner or Appeals Board, as an application for hearing under Section 34A-2-801.
- (3)
 - (a) If an application for compensation is filed under Subsection (1), in accordance with Part 8, Adjudication, the commission shall determine the award due to:
 - (i) the injured employee; or
 - (ii) the employee's dependents in case death has ensued.
 - (b) The employer shall pay the award determined under Subsection (3)(a) to the persons entitled to the compensation within 10 days after receiving notice from the commission of the amount of the award determined under Subsection (3)(a).

Renumbered and Amended by Chapter 375, 1997 General Session