

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Kathy W. Mundy.*

3 [H 1589]

4 Approved

5 Whereas, Kathy W. Mundy, 39 years old, has been employed by the State Corporation Commission's
6 Bureau of Financial Institutions as an assistant bank examiner for over seven years; and7 Whereas, Kathy W. Mundy sustained serious and permanent injuries to her cervical and lumbar
8 regions in an automobile accident on November 15, 1988, while on official business for the
9 Commonwealth; and

10 Whereas, the prognosis is that continued treatment will be needed to treat recurrent pain; and

11 Whereas, Ms. Mundy reported her accident to her employer, the State Corporation Commission
12 ("SCC"), on the day it occurred; and13 Whereas, Ms. Mundy's disability requires medical treatment with a chiropractor, the cost of which
14 was, at least initially, paid by the employer's servicing agency in full; and15 Whereas, because of those payments, Ms. Mundy believed that her claim was established and did not
16 realize that filing a claim with the Workers Compensation Commission ("the Commission") was required
17 under the law; and18 Whereas, after the servicing agency stopped paying the chiropractor's charges during the latter part of
19 1991, Ms. Mundy contacted the servicing agency and was informed that because the statute of
20 limitations had expired on filing a claim with the Commission, no further bills would be paid; and21 Whereas, Ms. Mundy's claim and subsequent appeal to the Commission were denied on the grounds
22 that its authority to grant relief is jurisdictional under Virginia Code § 65.2-601, which states that a
23 claimant's right to compensation is forever barred unless the claim is filed with the Commission within
24 two years after the accident; and25 Whereas, to address inequities in cases such as this, the General Assembly amended the law,
26 effective July 1, 1991, to provide that the statute of limitations would be tolled until the employer filed
27 its first report of accident; and28 Whereas, the SCC filed an accident report on November 30, 1988, with Gates McDonald, agent for
29 the Commonwealth in workers' compensation claims; and30 Whereas, the agent, Gates McDonald, did not notify the Workers' Compensation Commission in a
31 timely manner; and32 Whereas, had the first report of accident been filed in a timely manner, the Commission would have
33 furnished a copy of a workers' compensation guide to Ms. Mundy, as required by § 65.2-201 D of the
34 Code, giving her notice of all her rights and responsibilities under the Workers' Compensation Act,
35 including the statute of limitations period; and36 Whereas, Ms. Mundy has incurred \$3,316.23 in medical costs which are not covered by the
37 Commonwealth's medical insurance plan; and38 Whereas, Ms. Mundy's actuarial life expectancy is estimated to be 80 years, and it is estimated that
39 she will spend approximately \$1000 annually for medical treatment of her injuries sustained in the work
40 accident, provided no additional injuries occur; and41 Whereas, the present value of 40 annual payments of \$1000 at eight percent interest is \$13,765.85;
42 and43 Whereas, Kathy W. Mundy has no other means to obtain relief except by action of this body; now,
44 therefore,

45 Be it enacted by the General Assembly of Virginia:

46 1. § 1. That there is hereby appropriated from the Department of General Services, Division of Risk
47 Management Fund, the sum of \$14,235 for the relief of Kathy W. Mundy to be paid by check issued by
48 the State Treasurer on warrant of the Comptroller to Kathy W. Mundy upon a release by her of all
49 claims against the Commonwealth and its political subdivisions, agencies, instrumentalities, officers, or
50 employees in connection with, or arising out of, the aforesaid occurrence.