

N E W S L I N E

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Lien Claimants Declaration Update: Ex-parte Communication Requirements, Duplicate Documents in EAMS Prohibited

The Division of Workers' Compensation (DWC) has received some questions following the [newsline posted on June 26, 2017](#), reminding lien claimants that under Labor Code section 4903.05(c), they are required to file a declaration for any lien filed between January 1, 2013 and December 31, 2016 for which a filing fee was paid.

Lien claimants should be aware that the submission of electronic lien-related documents through EAMS must comply with long-standing Workers' Compensation Appeals Board (WCAB) rules and procedures. California Code of Regulations, title 8, section 10324, cited in the June 26 newsline, concerns ex-parte communications and provides that documents must be served and a proof of service filed. The parties that should be served with lien related documents, including the 4903.05(c) Declaration, are addressed in section 10770. DWC has no authority to waive the requirements of a WCAB rule or exempt a party from compliance.

Lien claimants electronically filing a Proof of Service for documents previously filed in EAMS should be aware that submission of duplicate documents is prohibited by California Code of Regulations, title 8, sections 10206 and 10206.1. In that instance, the Proof of Service would be filed with DWC and a copy of the previously filed document and Proof of Service would be served on the parties. The declaration should not be refiled in EAMS.

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