
INDUSTRIAL COMMISSION MUST FILE AWARD WITH COURT CLERK TO PRESERVE 8-YEAR LIEN RIGHT

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Industrial Commission v. Tommy Wood dba Pacific Mechanical Service
Supreme Court, February 8, 2010

Authored By The JSH Appellate Team

Robert Ruehrmund was injured in Defendant's employ on August 2, 1991. He elected to seek benefits from the Commission's Special Fund. On April 10, 1992, an administrative law judge issued an award granting Ruehrmund continuing hospital, surgical, medical, and compensation benefits. This award was not filed with the Clerk of the superior court, but payments to Ruehrmund began in 1992. In 1993, the Commission issued a "Continuing Award" and in 1994 the Commission awarded two "Supplemental Continuing Awards." None of these awards were filed with the clerk of the superior court. The Commission issued a "Final Award" on October 11, 2000. This award was filed with the clerk of the Superior Court and with the Maricopa County Recorder in 2001. In 2007, the Commission attempted to collect amounts owed to the Special Fund through writs of garnishment.

A.R.S. § 23-907(C) requires the Commission to file an award in the office of the Clerk of the superior court in order to perfect a "lien for eight years from the date of the award upon the property of the employer located in the county." The court held that even when an award contains no dollar amount, it embodies the Commission's finding or decision as to the compensation and benefits due to the employee. As such, this award must be filed with the clerk to perfect the Commission's lien right, which runs for eight years from the date of the award. This award is distinguished from payments made to the employee which will be treated as judgments enforceable against the employer. The Commission need not reduce subsequent support arrearages to a written judgment to execute on them.