

807 CMR: TEACHERS' RETIREMENT BOARD

807 CMR 17.00: WORKERS' COMPENSATION BENEFIT OFFSET AND VERIFICATION

Section

- 17.01: Cost of Living Adjustments
- 17.02: Workers' Compensation Benefit Verification
- 17.03: Rights of System to File for Workers' Compensation

17.01: Cost of Living Adjustments

Each year, the System will increase all workers' compensation benefit offsets by the amount of that year's workers' compensation benefit Cost of Living Adjustment (COLA) as determined by the Department of Industrial Accidents. A member's benefit will not be subject to this increase if the member shows, to the System's satisfaction, that he or she is not receiving the COLA.

17.02: Workers' Compensation Benefit Verification

(1) The System will annually send to each recipient of accidental disability retirement benefits, accidental death benefits, and to recipients of ordinary disability retirement benefits who have received or intend to receive workers' compensation benefits, a verification form inquiring whether the member is receiving or intends to receive workers' compensation benefits and, if so, in what amount.

(2) The member must sign the verification form and return the form to the Board within 60 days of receipt. Failure to return the verification form may result in suspension of the member's benefit, after notice and an opportunity for hearing, for so long as the member fails to respond.

17.03: Rights of System to File for Workers' Compensation

Members will be notified when the System believes he or she has a claim for workers' compensation benefits that has not been initiated or prosecuted fully. The member will be given a reasonable opportunity to initiate or prosecute such claim. If the member fails or refuses to initiate or prosecute such claim within a reasonable period of time, the System will initiate or prosecute the claim on behalf of the member to the extent allowed by law. The member will cooperate in the System's initiation or prosecution of such claim, as required by M.G.L. c. 32, § 14(2). The member's failure to cooperate in the System's pursuit of such claim may, after notice and an opportunity to be heard, result in the suspension of the member's benefit for so long as the member fails to cooperate.

REGULATORY AUTHORITY

807 CMR 17.00: M.G.L. c. 15, § 16; c. 32, §§ 14(2), 20(5)(b) and (c)(2).