



# *The Commonwealth of Massachusetts*

## *Department of Industrial Accidents*

*600 Washington Street*

*Boston, Mass. 02111*

*(617) 727-4900*

FEBRUARY 22, 1989

CIRCULAR LETTER NO. 240

TO: INSURERS, SELF-INSURERS, WORKERS' COMPENSATION AGENTS, OF DEPARTMENTS OF THE COMMONWEALTH AND OF COUNTIES, CITIES, TOWNS AND DISTRICTS SUBJECT TO M.G.L. C. 152, AND OTHER INTERESTED PARTIES

RE: GUIDELINES FOR DISFIGUREMENTS AND LOSSES-OF-FUNCTION UNDER §36

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Attached you will find updated Departmental Guidelines for calculating benefits for disfigurements and losses-of-function under M.G.L. 152 §36. These guidelines will now be utilized by the Conciliation Unit for all injuries occurring on or after January 1, 1986 and supersede those distributed in Circular Letters #223 and #233.

If you have any questions or comments, please contact the Conciliation Unit or my office.

  
Joel W. Pressman

GUIDE FOR CALCULATING LOSS-OF-FUNCTION  
BENEFITS FOR INJURIES OCCURRING ON OR  
AFTER JANUARY 1, 1986

VARIOUS LOSSES OF FUNCTION

Section 36, Paragraph (j)

<u>Spine</u>	dorsal, lumbar sacrum	•	
	Total loss		SAWW x 32
	cervical - 75% of maximum		
<u>Equilibrium</u>	Total loss of ability to stand		SAWW x 21
<u>Lung</u>	Loss of one lung		SAWW x 16
<u>Kidney</u>	Loss of one kidney		SAWW x 16
<u>Language comprehension</u>	Total loss		SAWW x 32
<u>Sexual function</u>	Total loss		SAWW x 10
<u>Taste or smell</u>	Total loss of either		SAWW x 16 (both = 32x)
<u>Spleen</u>	Loss of spleen		SAWW x 10
<u>Urinary or bowel</u>	Total loss of either		SAWW x 29
<u>Teeth</u>	Loss of each		SAWW x 1

Note: This list is not intended to be exhaustive of the functional losses compensable under §36(1)(j).

THE AGGREGATE PAYMENT FOR ALL LOSSES OF  
FUNCTION UNDER SECTION 36(1)(j) MAY NOT  
EXCEED SAWW X 80

**GUIDELINES FOR DISFIGUREMENTS OTHER THAN SCARS FOR INJURIES  
 OCCURRING ON OR AFTER JANUARY 1, 1986. MAXIMUM DISFIGUREMENTS  
 AWARD = 32X STATE AVERAGE WEEKLY WAGE (SAWW) ON DATE OF INJURY  
 ( X = TIMES THE SAWW )**

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	<u>FACE</u>	<u>ARM (OTHER THAN HAND OR WRIST)</u>	<u>HAND &amp; WRIST</u>
VERY SLIGHT	1x - 6x	½x - 2x	1x - 4x
SLIGHT	6½x - 12½x	2½x - 4½x	4½x - 8½x
MODERATE	13x - 19x	5x - 7x	9x - 13x
SEVERE	19½x - 26½x	7½x - 10½x	13½x - 17½x
VERY SEVERE	27x - 32x	11x - 13x	18x - 22x (In no instance shall amounts for disfigurements to fingers exceed allowances for amputations listed below.)

	<u>NECK &amp; HEAD (OTHER THAN FACE)</u>	<u>CHEST &amp; STOMACH</u>	<u>BACK</u>
VERY SLIGHT	1x - 4x	½x - 2½x	½x - 2½x
SLIGHT	4½x - 8½x	3x - 5x	3x - 5½x
MODERATE	9x - 13x	6x - 8½x	6x - 8½x
SEVERE	13½x - 17½x	9x - 11½x	9x - 11½x
VERY SEVERE	18x - 22x	12x - 15x	12x - 15x

LEG (OTHER THAN FOOT)

VERY SLIGHT 1x - 3x  
SLIGHT 3½x - 6½x  
MODERATE 7x - 10x  
SEVERE 10½x - 14x  
VERY SEVERE 14½x - 18x

FOOT

1x - 3x  
3½x - 6½x  
7x - 10x  
10½x - 14x  
14½x - 18x  
(In no instance shall  
amounts for disfigurements  
to toes exceed allowances  
for amputations listed below.)

GROIN

VERY SLIGHT ½x - 1½x  
SLIGHT 2x - 2½x  
MODERATE 3x - 4½x  
SEVERE 5x - 6½x  
VERY SEVERE 7x - 8x

LIMP

1x - 6x\*  
6½x - 12x\*  
13x - 19x\*  
19½x - 26½x (crutches or walker)  
32x (wheelchair)  
\*Permanent need of a cane  
entitles one to 1½x

GUIDES FOR CALCULATING SCAR-BASED DISFIGUREMENTS  
FOR INJURIES OCCURRING ON OR AFTER JANUARY 1, 1986

FACE (32 X SAWW max.)

Linear scar, no disc.	- 2 X SAWW per inch
Linear scar, with disc.	- 3.25 X SAWW "
Wide scar, no disc.	- 3.5 X SAWW "
Wide scar, with disc.	- 6.5 X SAWW "

ARM OTHER THAN HAND OR WRIST (13 X SAWW max.)

Linear scar, no disc.	- 1 X SAWW per inch
Linear scar, with disc.	- 1.5 X SAWW "
Wide scar, no disc.	- 1.75 X SAWW "
Wide scar, with disc.	- 2 X SAWW "

HAND AND WRIST (22 X SAWW max.)

Linear scar, no disc.	- 1 X SAWW per inch
Linear scar, with disc.	- 1.75 X SAWW "
Wide scar, no disc.	- 2 X SAWW "
Wide scar, with disc.	- 2.5 X SAWW "

(In no instance shall amount for disfigurements to fingers exceed allowances for amputations listed below.)

HEAD & NECK OTHER THAN FACE (must be visible) (22 X SAWW max.)

Linear scar, no disc.	- 1 X SAWW per inch
Linear scar, with disc.	- 1.5 X SAWW "
Wide scar, no disc.	- 1.75 X SAWW "
Wide scar, with disc.	- 2 X SAWW "

GROIN (8 X SAWW max.)

Linear scar, no disc.	- .5 X SAWW per inch
Linear scar, with disc.	- .75 X SAWW "
Wide scar, no disc.	- 1 X SAWW "
Wide scar, with disc.	- 1.25 X SAWW "

GUIDES FOR CALCULATING SCAR-BASED DISFIGUREMENTS  
FOR INJURIES OCCURRING ON OR AFTER JANUARY 1, 1986

CHEST & STOMACH (15 X SAWW max.)

Linear scar, no disc.	- 1 X SAWW per inch
Linear scar, with disc.	- 1.5 X SAWW "
Wide scar, no disc.	- 1.75 X SAWW "
Wide scar, with disc.	- 2 X SAWW . "

BACK (15 X SAWW max.)

Linear scar, no disc.	- 1 X SAWW per inch
Linear scar, with disc.	- 1.5 X SAWW "
Wide scar, no disc.	- 1.75 X SAWW "
Wide scar, with disc.	- 2 X SAWW "

LEG (18 X SAWW max.)

Linear scar, no disc.	- 1 X SAWW per inch
Linear scar, with disc.	- 1.5 X SAWW "
Wide scar, no disc.	- 1.75 X SAWW "
Wide scar, with disc.	- 2.5 X SAWW "

FOOT (18 X SAWW max.)

Linear scar, no disc.	- .75 X SAWW per inch
Linear scar, with disc.	- 1 X SAWW "
Wide scar, no disc.	- 1.25 X SAWW "
Wide scar, with disc.	- 1.5 X SAWW "

(In no instance shall amount for disfigurements to toes exceed allowances for amputations listed below.)

**SCHEDULE OF PAYMENTS FOR DISFIGUREMENT  
FOR THE AMPUTATION OF A HAND, FINGERS,  
OR PARTS THEREOF**

The numerals 1, 2, 3, 4, 5 shall designate respectively the following:

1. Thumb
2. Second or Index
3. Third or Middle
4. Fourth or Ring
5. Fifth or Little

Fingers and Combinations						TOTAL HAND 22 X SAWW
2	1					22 X SAWW
3	1	2				22 X SAWW
4	1	2	3			22 X SAWW
5	1	2		4		22 X SAWW
6	1		3	4		22 X SAWW
7	1	2	3			22 X SAWW
8	1	2		4		22 X SAWW
9	1	2			5	22 X SAWW
10	1		3		5	22 X SAWW
11	1		3		5	22 X SAWW
12	1			4	5	22 X SAWW
13	1	2				22 X SAWW
14	1		3			22 X SAWW
15	1			4		22 X SAWW
16	1				5	22 X SAWW
17	1					16.5 X SAWW
18		2	3	4	5	22 X SAWW
19		2	3	4		22 X SAWW
20		2	3		5	22 X SAWW
21		2		4	5	22 X SAWW
22		2	3			16.5 X SAWW
23		2		4		16.5 X SAWW
24		2			5	16.5 X SAWW
25		2				7.5 X SAWW
26			3	4	5	22 X SAWW
27			3	4		16.5 X SAWW
28			3		5	16.5 X SAWW
29			3			7.5 X SAWW
30				4	5	16.5 X SAWW
31				4		7.5 X SAWW
32					5	7.5 X SAWW

APPLICABLE TO INJURIES OCCURRING  
ON AND AFTER JANUARY 1, 1986

Disfigurement Awards For Partial  
Loss of Fingers

One phalanx of 2nd, 3rd, 4th or 5th finger = 50% of finger.  
Two phalanges of 2nd, 3rd, 4th or 5th finger = 90% of finger.  
One phalanx of thumb = 90% of thumb.

Three Examples

EX. 1. If someone loses half a thumb and all of 2nd and 3rd fingers,  
then  $90\% + 100\% + 100\%$  divided by 3 = 96.7% of 22 X SAWW  
(from line 4).

EX. 2. If someone loses one phalanx of 2nd finger, 2 phalanges of 3rd finger and all of 4th finger, then  $50\% + 90\% + 100\% = 240\%$  divided by 3 = 80% of 22 X SAWW (from line 19).

EX. 3. If someone loses one phalanx of each of 2nd and 3rd fingers, then  $50\% + 50\% = 100\%$  divided by 2 = 50% of 16.5 X SAWW (from line 22).

Disfigurement Awards for  
Amputations of Toes or Parts Thereof

Large toe	SAWW x 3
One phalanx thereof	SAWW x 2
Other toes	SAWW x 2
One phalanx thereof	SAWW x 1



GUIDE . . . CALCULATING LOSS-OF-FUNCTION ON  
BENEFITS FOR INJURIES OCCURRING ON OR  
AFTER JANUARY 1, 1986

ARMS

Section 36, Paragraph (e)

For amputation or permanent loss of use - major arm.	SAWW x 43
For amputation or permanent loss of use - minor arm.	SAWW x 39
For amputation or permanent loss of use - both arms.	SAWW x 96
Elbow joint - 65% of arm	Shoulder - 60% of arm

HANDS & WRISTS

Section 36, Paragraph (f)

For amputation or permanent loss of use - major hand.	SAWW x 34
For amputation or permanent loss of use - minor hand.	SAWW x 29
For amputation or permanent loss of use - both hands.	SAWW x 77

FINGERS

Thumb-40% of hand	Ring-10% of hand	One phalanx of thumb-75%
Index-25% of hand	Little-5% of hand	One phalanx of finger-45%
Middle-20% of hand		Two phalanges of finger-80%

LEGS

Section 36, Paragraph (g)

For amputation or permanent loss of use - either leg.	SAWW x 39
For amputation or permanent loss of use - both legs.	SAWW x 96
Knee - 50% of leg	
Hip - 25% of leg	

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BENEFITS FOR INJURIES OCCURRING ON OR  
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FEET & ANKLES

Section 36, Paragraph (h)

For amputation or permanent loss of  
use - either foot at any point above  
ankle joint. SAWW x 29

For amputation or permanent loss of  
use - both feet at any point above  
ankle joints. SAWW x 68

Large toe - 18% of foot (first joint - 13.5% of foot)  
Other toes - 5% of foot (first joint - 2% of foot)

EYES

Section 36, Paragraphs (a), (b) & (c)

a. Total loss of vision, or reduction  
to 20/70 of one eye with glasses.  
Loss of single binocular vision. SAWW x 39

b. Total loss of vision, or reduction  
to 20/70 of both eyes with glasses. SAWW x 96

c. For any correctible permanent but  
partial reduction in acuity or field  
of vision, an amount in proportion to  
the total loss of use or the reduction  
to 20/70 of normal vision.

20/30	SAWW x 10
20/35	SAWW x 12.5
20/40	SAWW x 14.5
20/45	SAWW x 19.5
20/50	SAWW x 24.5
20/60	SAWW x 34.5
20/70	SAWW x 39