JOEL M PRESSMAN
Commissioner

The Commonwealth of Massachusetts

Department of Industrial Accidents
600 Washington Street
Boston, Mass. 02111

CIRCULAR LETTER NO. 245

TO: ADMINISTRATIVE JUDGES, ADMINISTRATION, REGIONAL OFFICE MANAGERS, ATTORNEYS AND INSURANCE COMPANIES

FROM: THE REVIEWING BOARD

DATE: OCTOBER 4, 1989

Attached is a new format for preparation of petitions for approval of third party settlements under G.L. c.152, §15.

Effective December 1, 1989, petitions which are not completed in conformity with this outline will not be accepted.

William A. McCarthy
Administrative Law Judge
for the Reviewing Board

WAM/sr

INSTRUCTIONS FOR PREPARATION OF PETITION FOR APPROVAL OF SETTLEMENT UNDER GENERAL LAWS, CHAPTER 152, SECTION 15

1. USING THE ATTACHED FORMAT, TYPE OR PRINT THE PETITION ON 8½" X 11" WHITE PAPER, WITH 1" MARGIN ON EACH SIDE.

2. SET OUT EACH QUESTION FOLLOWED BY YOUR ANSWER. IF A QUESTION IS NOT APPLICABLE, PLEASE SO INDICATE.

3. SET OUT QUESTIONS AND ANSWERS IN THE SAME ORDER AS THEY ARE LISTED.

4. PLEASE DOUBLE CHECK FOR SIGNATURES AND COMPLETE ADDRESSES FOR ALL PARTIES TO THE PETITION.

5. SUBMIT THE ORIGINAL AND THREE COPIES OF THE PETITION TO:

   FRANCIS J. JOYCE, FIRST DEPUTY DIRECTOR
   DIVISION OF DISPUTE RESOLUTION
   DEPARTMENT OF INDUSTRIAL ACCIDENTS
   600 WASHINGTON STREET
   BOSTON, MA 02111

6. SUBMIT A RETURN ENVELOPE ADDRESSED TO EACH PARTY WHO IS TO RECEIVE A COPY OF THE PETITION AFTER APPROVAL.

7. IF THE PETITION IS ACCEPTED IN THE FORM SUBMITTED, THE REVIEWING BOARD WILL APPROVE AND RETURN IT, USUALLY WITHIN FOURTEEN DAYS.

7. How will the third party settlement proceeds be divided among the plaintiff/employee, the workers' compensation insurer, and counsel for the plaintiff/employee?

8. How will the attorney's fee and expenses in the third party claim be apportioned between the plaintiff/employee and the workers' compensation insurer?

9. If the workers' compensation case will remain open after the third party settlement and if the plaintiff/employee continues disabled, and/or will require further medical treatment, set out the agreement between plaintiff/employee and the workers' compensation insurer respecting reallocation of the legal fee as required by Hunter v. Midwest Coast Transport, Inc. et al., 400 Mass. 779 (1987).

10. a. If expenses are being reimbursed attach receipted bills or other appropriate proof of payment.

    b. If the workers' compensation case has been settled, or is proposed for settlement, attach a copy of the lump sum agreement.

    c. Attach a copy of the contingent fee agreement or explain the absence of such an agreement.

Signed under the penalties of perjury this _____ day of _____, 19___.

/s/_____
Plaintiff/Employee

NAME
ADDRESS
TEL. #

/s/_____
Attorney/Representative for Workers' Compensation Insurer

NAME
ADDRESS
TEL. #

/s/_____
Attorney for Plaintiff/Employee

NAME
ADDRESS
TEL. #

/s/_____
Attorney/Representative for Third Party Insurer

NAME
ADDRESS
TEL. #