



JOEL M. PRESSMAN  
Commissioner

# The Commonwealth of Massachusetts

## Department of Industrial Accidents

600 Washington Street  
Boston, Mass. 02111

### CIRCULAR LETTER NO. 250

TO: All Interested Parties

FROM: Mary Piggott, Director Division of Administration *MP*

RE: Notification Requirements on Lump Sum Requests when §§37  
and 37A are pending issues.

DATE: February 1990

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Any insurer planning to file a petition for reimbursement under §§37 and 37A must notify the Office of the Attorney General of any scheduled lump sum conferences as required by Chapter 152 §.37, paragraph 5: "NO LIABILITY FOR ANY CASE ARISING UNDER THIS SECTION SHALL BE REDEEMED BY A LUMP SUM PAYMENT AS PROVIDED IN SECTION FORTY-EIGHT, UNLESS THE ATTORNEY GENERAL OR HIS DESIGNEE HAS BEEN GIVEN AN OPPORTUNITY TO APPEAR AND BE HEARD ON BEHALF OF THE FUND.."

To notice the attorney general any insurer, which plans to seek reimbursement, must include a copy of the finalized lump sum papers with either the Request For Lump Sum Proceeding Form, (when required by the department), or with a cover letter when a request form is not required.

(A Form is required if no proceeding is currently before the department. If a settlement is reached after proceedings (conciliation, conference, hearing) have begun, no form is required)

This notification must be made as soon as a lump sum conference date is set in order to allow the attorney general sufficient notice to attend the conference.

If the attorney general is not noticed and is not given sufficient opportunity to appear at the proceedings, any subsequent request or claim for reimbursement under these sections is jeopardized.

Please send notices to:

INDUSTRIAL ACCIDENT DIVISION  
OFFICE OF THE ATTORNEY GENERAL  
131 TREMONT STREET  
BOSTON, MASSACHUSETTS 02110

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Please include in the lump sum settlement papers the following information:

1. Amount payable for attorney services (not reimbursable).
2. Amount, if any, allocable to weekly benefits that, but for the settlement, would have been paid in the first 104 weeks (not reimbursable). Include the employee's average weekly wage, compensation rate, and earnings capacity.
3. Amount, if any, allocable to weekly benefits that, but for the settlement, would have been paid after the first 104 weeks of disability. Include the employee's average weekly wage, compensation rate, and earnings capacity.
4. Amount, if any, allocable to medical costs for services performed or projected to be performed in the first 104 weeks (not reimbursable).
5. Amount, if any, allocable to \$36 benefits that became due only after 104 weeks.
8. Amount, if any, allocable to medical costs for services performed or projected to be performed after the first 104 weeks.
6. Amount, if any, allocable to COLAs (not reimbursable).
7. Amount, if any allocable to rehabilitation services (not reimbursable).