



James J. Campbell
Commissioner

The Commonwealth of Massachusetts

Department of Industrial Accidents

*600 Washington Street
Boston, Mass. 02111*

CIRCULAR LETTER NO. 264

TO: ALL INTERESTED PARTIES

FROM: JOSEPH W. JENNINGS III, SENIOR JUDGE

DATE: MARCH 10, 1992

RE: EXPANDED MOTION SESSION UNDER M.G.L. c. 23E, §6

The motion session which has been in operation since May 15, 1991 is now required by statute. (See c. 398. §4 of the Acts of 1991). Moreover, the grounds for filing a motion for expedited conference have been expanded to include catastrophic injuries, medical emergencies and §15A denials, as well as fraudulent behavior and illegal discontinuance of compensation.

Effective immediately, motions for expedited conference will be accepted where the basis therefor is any one of the five reasons set out in the statute. Once the underlying claim has been conciliated, either party may file a motion for expedited conference. The form to be followed in preparing the motion is attached. Instructions appear on the reverse side of the motion form. These instructions must be followed exactly.

An administrative law judge will preside at the motion session. If a motion is allowed, an expedited conference will be scheduled as required by the statute within 14 days before an administrative judge. If the motion is denied the conference will be scheduled in regular order. If an administrative judge at an expedited conference issues an order finding violations of c. 152, §14(1) and/or (2) concerning fraudulent behavior, on appeal an expedited hearing will be scheduled before that same judge on the next available unscheduled hearing date. If the order issued did not make findings pursuant to §14, the hearing will be scheduled in regular order.

By signing and filing a motion, the filing attorney certifies that to the best of his/her knowledge, information and belief, there is reasonable ground to support the motion and it is not interposed for delay. Costs may be assessed under §14(1) if it is determined that the motion has been brought or defended without reasonable ground.

RE:	Employee	-	
	Employer	-	
	Insurer/Self-insurer	-	
	Date of Injury	-	
	D.I.A. Board Number	-	
	D.I.A. Region	-	

[] Fraudulent behavior
[] Illegal discontinuance of compensation
[] Catastrophic injuries
[] Medical emergencies
[] Denial pursuant to § 15A

Attorney's Signature: _____
 " Name: _____
 " Address: _____

 Telephone: _____
 Date: _____

INSTRUCTIONS ARE ON THE REVERSE SIDE. PLEASE PRINT OR TYPE.

INSTRUCTIONS FOR PREPARATION AND FILING OF MOTION

1. No motion for expedited conference may be filed unless and until the underlying claim is first conciliated.
2. The reverse side of this form must be completed and signed by the legal representative of the moving party. Missing information may result in delay of assignment to a motion session.
3. The original and three (3) copies of the motion and any documents in support thereof must be mailed to:

The Commonwealth of Massachusetts
Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, Massachusetts 02111

Attention: Reviewing Board Motion Clerk

4. A copy of the motion and supporting documents must be mailed to the legal representative of the other party (see Certificate of Service on front of form).
5. Return envelopes with sufficient postage prepaid, pre-addressed to each interested party, must be submitted with the motion. If the Board elects to hear oral arguments on the motion, it will notify the parties of the date, time and place for hearing on the motion.

The signature of an attorney to a motion constitutes a certificate by him/her that he/she has read the motion and accompanying documents; that to the best of his/her knowledge, information and belief there is reasonable ground to support it; and that it is not interposed for delay. If it is determined that any party has filed or defended a motion for expedited conference without reasonable ground, the whole cost of the proceedings shall be assessed upon that party pursuant to M.G.L. c. 152, § 14(1).

(Additional space)