



James J. Campbell
Commissioner

The Commonwealth of Massachusetts

Department of Industrial Accidents

*600 Washington Street
Boston, Mass. 02111*

CIRCULAR LETTER NO. 291

TO: ALL INTERESTED PERSONS

FROM: JAMES J. CAMPBELL, COMMISSIONER *JJC*

RE: "Second Injury" Petitions for reimbursement, M.G.L. c.152, §§37/37A.

DATE: JUNE 25, 1998

This Circular Letter sets forth the new procedures by which the Department processes "second injury" petitions for reimbursement under §§ 37/37A. Notwithstanding provisions of 452 C.M.R. 3.05 (1) requiring prior filings of petitions for reimbursement with the Workers' Compensation Trust Fund (WCTF), petitions for reimbursement shall be processed in a manner similar to all other claims/complaints, except as described below. These procedures take effect immediately:

1. Petitioners shall file directly with the Department of Claims Administration (DCA) (Department 108) a claim on Form 108 designating under block 23 "section 37/37A petition for reimbursement;"
2. Along with the claim, the petitioner must file the actual petition and a certificate of service upon the WCTF;
3. The petitioner shall also send to the WCTF photocopies of each document filed with DCA;
4. Each petition for reimbursement shall be scheduled for conciliation in the Boston Office unless the parties stipulate in writing at the time of the filing that the matter is to be adjudicated at a specified regional office;
5. Any matter not resolved at conciliation shall be scheduled for a conference before an administrative judge unless the parties agree to an alternative method of resolution as set forth in §10B.

Inquiries regarding the status of outstanding filings and previous petitions should be directed to the Office of the Senior Judge with copies to the WCTF.