



THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

600 Washington St., 7th Fl.
Boston, Massachusetts 02111

DEVAL L. PATRICK
Governor

PAUL V. BUCKLEY
Commissioner

TIMOTHY P. MURRAY
Lieutenant Governor

CIRCULAR LETTER NO. 327

TO: All Interested Persons

FROM: Paul V. Buckley, Commissioner

RE: Cost of Living Adjustments (COLA) Payment and Reimbursement Schedules & Requests; Maximum and Minimum Weekly Compensation Rates; and Attorneys' Fee Schedule.

DATE: October 3, 2008 - *Effective October 1, 2008*

This Circular Letter should be used to determine all of the following:

- (a) The maximum weekly benefits payable under M.G.L. c. 152 (prior to the application of any cost-of-living adjustment required under the statute);
- (b) The minimum compensation rates payable under § 34 and § 34A;
- (c) The proper amounts of adjustments to compensation required under § 34B and § 35F for injuries occurring before December 24, 1991;
- (d) The proper amounts of adjustments to compensation required under § 34B and § 35F for injuries occurring on or after December 24, 1991;
- (e) The reimbursement amount payable to insurers for COLAs paid on permanent and total or survivors' benefits for injuries occurring on or before October 1, 1986;
- (f) The reimbursement amount payable to insurers for COLAs paid on permanent and total or survivors' benefits for injuries occurring subsequent to October 1, 1986 but before December 24, 1991; and
- (g) Attorneys' fee schedule for claims involving injuries occurring on or after December 24, 1991.

The average weekly wage in the Commonwealth (SAWW) effective October 1, 2008 as determined under M.G.L. c. 151A, § 29(2) and promulgated by the Commissioner of Unemployment Assistance, is \$1,093.27 [[Please consult Table III](#)].

Please see the Application of the 2008 New State Average Weekly Wage Resource to see how to apply the newly established SAWW.

Please be advised that the Department of Industrial Accidents (DIA) will be promulgating new forms for insurers requesting COLA reimbursement under § 65, § 34B(c) fully and partially reimbursable, § 34B(c) partially reimbursable with Social Security offset, § 35A - dependency component, § 35B - rate enhancement component, § 35C - latency component, § 51A - rate enhancement component. These new forms will be posted on DIA's website [www.mass.gov/dia] within the next week.

Table I
***CALCULATION OF COLA MULTIPLIERS
AND REIMBURSEMENT FACTORS***

View [Table 1](#) 