



The Commonwealth of Massachusetts

Division of Industrial Accidents

18 Tremont Street, Boston 8

WHEN REPLYING
PLEASE QUOTE I.A.B.
FILE NO.
ATTENTION OF:

September 10, 1947

CIRCULAR LETTER NO. 49

To: ALL INSURERS
SELF-INSURERS
COMPENSATION AGENTS APPOINTED UNDER GENERAL LAWS,
CHAPTER 152, SECTION 75 AS AMENDED

I. It has been brought to the attention of this Department that certain insurers, self-insurers, and public subdivisions subject to the Act are requiring that injured employees who are receiving weekly compensation shall call for their weekly payments at the offices of such insurers, self-insurers, and public subdivisions and that in some such cases an injured employee is subjected to harangue and sometimes wordy abuse as to why he is not back to work and pressure is oftentimes exerted to have the employees sign agreements to discontinuance notwithstanding they may insist they are not able to return to work and are still disabled.

Insurers, self-insurers, and compensation agents of the several political subdivisions are now instructed that checks in payment of weekly compensation shall be mailed weekly to employees addressed to their place of residence. This requirement does not in any way preclude the right of the insurer, self-insurer, and compensation agents to require an employee to submit to physical examination at reasonable times and places within the purview of General Laws, Chapter 152, Section 45.

II. It has come to the attention of the Board that in some cases the insurer, self-insurer, or compensation agent, in endeavor to comply with the requirements of the law, and rules of the Board that compensation shall be paid promptly, have issued checks in payment of compensation promptly together with pertinent agreement in regard to compensation, and discontinuance agreement, and an employee having returned to work merely cashes the check but fails or refuses to sign the agreements in connection therewith. In these cases it is the opinion of the Board that the insurer, being a party under the Act, and in order to establish a proper record of payment where it cannot obtain duly signed agreements, should request a hearing in order to establish by decision the facts in any such case, including the fact of payment.

III. The attention of all insurers, self-insurers, and the Commonwealth and its political subdivisions which are subject to General Laws, Chapter 152, is directed to the provisions of that part of Section 1 of said Chapter 152 of the General Laws which reads: "In case the injured employee is employed in the concurrent service of more than one insured employer, his total earnings from the several insured employers shall be considered in determining his average weekly wages."

It is the opinion of the Industrial Accident Board that the Commonwealth and any county, city, town, or district which has accepted the provisions of the Workmen's Compensation Law is comprehended within the meaning of "insured employer" as contained in the above quoted provision relating to concurrent employment, whether such political division pays compensation directly or by insuring with an "insurance company" and the attention of all concerned is directed in this connection to the provisions of Sections 69 and 70 of said Chapter 152 of the General Laws as amended and to the decision of the Supreme Judicial Court in the case of Hurley, 302 Mass. Page 46.

. Very truly yours,


Secretary