

# *The Commonwealth of Massachusetts*

## *Department of Industrial Accidents*

*State House, Boston 33*

February 24, 1950

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

### SUPPLEMENT TO CIRCULAR LETTER NO. 57

TO: ALL INSURANCE COMPANIES, SELF-INSURERS, WORKMEN'S COMPENSATION AGENTS OF DEPARTMENTS OF THE COMMONWEALTH AND COUNTIES, CITIES, TOWNS AND DISTRICTS SUBJECT TO THE WORKMEN'S COMPENSATION LAW (GENERAL LAWS, CHAPTER 152, AS AMENDED), AND TO ALL OTHERS CONCERNED.

IN RE: PAYMENT OF COMPENSATION FOR CERTAIN SPECIFIED INJURIES.

Gentlemen:

Enclosed herewith you will find pages numbered "3" and "4" which are to be substituted for pages "3" and "4" of Department Circular Letter No. 57, dated October 26, 1949.

The changes made in these two pages are as follows:

Page 3 - Following the listing of the compensation payable for the loss of fingers and toes, the following new paragraph is added:

"The loss of any part of any phalanx of the finger or toe shall be construed as the loss of the entire phalanx."

Page 4 - In the paragraph entitled "SUB-SECTION (h) - BODILY DISFIGUREMENT" - the following words are stricken out:

"but, no compensation shall be payable for such disfigurement as is caused solely by the loss of, or loss of use of any member of the body for which compensation is provided for in other sub-sections of section 36."

Very truly yours,

EDWARD P. DOYLE  
Secretary

3.

For the loss of:

<u>thumb</u>	36%
<u>index finger</u>	23%
<u>middle finger</u>	18%
<u>ring finger</u>	12%
<u>little finger</u>	10%
<u>one phalanx of the thumb</u>	75% of entire thumb
<u>one phalanx of any finger</u>	50% of entire finger
<u>two phalanges of any finger</u>	90% of said finger
<u>great toe</u>	25%
<u>other toes</u>	10%
<u>one phalanx of the great toe</u>	66 2/3% of the compensation payable for the total loss of the great toe

The loss of any part of any phalanx of the fingers or toes shall be construed as the loss of the entire phalanx.

Enclosed you will find diagrams of the left and right hands with the amounts of compensation payable, et cetera, designated according to the above schedule.

The foregoing determinations by the Board relative to these payments of the compensation under said sub-sections (a) and (r) shall have the same effect as though these payments were precisely defined as in the other sub-sections previously mentioned, and insurers and others having like obligations are directed to make payments in the same manner as directed in those instances in accordance with the above schedules determined by the Board.

With respect to the compensation which may be payable under sub-sections (h) and (i), it has been determined that the nature of the injuries to which these sub-sections pertain are of such nature that hearings shall be necessary to determine the amount of specific compensation payable. Any agreements which parties may enter into for the payment of compensation under these sub-sections shall be subject to the approval of the Board.

With respect to the determination of compensation payable under these sub-sections, the Board, in arriving at what it shall consider proper and equitable compensation, has adopted the foregoing policies with respect thereto.

Circular Letter #57 (Substituted February 24, 1950)  
4.

SUB-SECTION (h) - BODILY DISFIGUREMENT


The compensation payable under this sub-section shall be in addition to any other compensation to which the employee may be entitled to under section 36. In determining what is equitable and proper compensation, the Board shall endeavor to the best of its judgment to classify the disfigurement as follows, and the percentages set forth are in proportion to the total of 125 weeks as provided for in sub-section (h):

- |                |             |
|----------------|-------------|
| 1. Slight      | 0 to 10%    |
| 2. Moderate    | 11% to 30%  |
| 3. Severe      | 30% to 75%  |
| 4. Very severe | 75% to 100% |

SUB-SECTION (i) - LOSS OF BODILY FUNCTION OR SENSE

Compensation hereunder shall be payable unless otherwise provided for in other sub-sections of section 36, after it has been determined by hearing that said loss of bodily function or sense is permanent. Generally, such loss shall be deemed permanent, (1) when the injury results in permanent loss; (2) when surgical intervention on account thereof has produced a permanent loss of bodily function or sense, or (3) after maximum healing or an end result of the injury has been attained. Unless competent evidence reasonably indicates otherwise, an end result will be determined to have been attained after the lapse of one year from the date on which compensation is claimed under this sub-section.

Very truly yours,

  
EDWARD P. DOYLE  
Secretary

General Distribution