

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2024-0256

Commissioner of Insurance
Docket No. R2023-03

THE WORKERS' COMPENSATION RATING AND INSPECTION BUREAU OF
MASSACHUSETTS

v.

COMMISSIONER OF INSURANCE

RESERVATION AND REPORT

The petitioner, the Workers' Compensation Rating and Inspection Bureau (WCRI), seeks judicial review, pursuant to G. L. c. 152, § 53A (10), of a June 21, 2024, decision of the respondent, the Commissioner of Insurance, related to workers' compensation insurance rates. WCRI argues that several aspects of the commissioner's decision were not supported by substantial evidence or exceeded the commissioner's authority: (1) his ordering of a 14.6% decrease in average workers' compensation insurance rates; (2) his conclusion as to the appropriate methodology for calculation of loss development factors; (3) his rejection of the appellant's proposed underwriting profit

provision; and (4) his requirement that rates for class code 9033 be based on Massachusetts-specific data.¹

After the parties filed a joint motion to reserve and report the case to the full court, I held a hearing, on June 10, 2025. At the hearing, I ordered the parties to confer regarding the possibility of appointing a neutral third-party to assist the parties in trying to reach agreement on some or all of the issues. I also ordered the parties to file a status report within two weeks. The parties subsequently sought additional time to file their report, and it was filed on July 8, 2025. Based on the report, as well as the previous filings, I will allow the parties' joint motion, and report the matter to the full court without decision.

As agreed to by the parties, the appeal can be resolved on the basis of the certified evidentiary record of the administrative hearing. The record before the full court shall consist of all of the papers filed in the county court, including the full certified administrative record, the docket sheet in this matter no. SJ-2024-0256, and this reservation and report. The case shall proceed in all respects in accordance with the Massachusetts Rules of Appellate Procedure. The petitioner shall

¹ I previously denied WCRIB's request for a stay of so much of the commissioner's decision that required WCRIB to submit a rate filing in December 2024 for rates to take effect on July 1, 2025.

be deemed the appellant. The parties shall consult with the Clerk of the Supreme Judicial Court for the Commonwealth regarding the service and filing of briefs and date for oral argument.

By the Court,

/s/ Scott L. Kafker

Scott L. Kafker
Associate Justice

Dated: August 7, 2025