



*The Commonwealth of Massachusetts*

*Division of Industrial Accidents*

*State Office Building, Government Center  
100 Cambridge Street, Boston 02202*

I.A.B. FILE NO.

ATTENTION OF:

November 30, 1971

CIRCULAR LETTER NO. 189

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

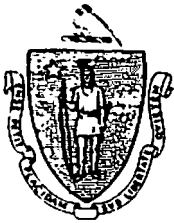
The Industrial Accident Board has voted to recommend the following  
attached guideline submitted by the Department of the Attorney General in  
disposing of fatal claims by the Commonwealth of Massachusetts under  
Section 65N.

Very truly yours,

*John J. Maloney*

John J. Maloney  
Secretary

Enclosure  
JJM/kms



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

STATE HOUSE • BOSTON 02133

ROBERT H. QUINN  
ATTORNEY GENERAL

GUIDE LINE FOR THE DISPOSITION OF  
CONTROVERTED FATAL CLAIMS UNDER CHAPTER 152, SECTION 65N

The Department of the Attorney General has established a guide line for determining the amount of payment due under section 65N of General Laws, Chapter 152, to apply to controverted fatal cases wherein the liability of the insurer (or self-insurer) has been redeemed by payment of a lump sum as provided by section 48 of the act. Tender of an amount equivalent to three (3) per cent of the lump sum settlement amount will be accepted as payment in full of claim under section 65N.

This guide line will not apply to those instances where the liability of the insurer (or self-insurer) has been established and is enforceable under section 11 of the act; nor, to instances where the Attorney General is asserting claim under section 65 of the act (no dependency situations).

If for cogent reasons an insurer (or self-insurer) contends the above guide line should not apply to a specific case, a conference with a representative of the Attorney General's Department may be requested.

Otherwise, tender of payment should be by draft made payable to the Treasurer and Receiver General of the Commonwealth of Massachusetts and forwarded to:

Division of Industrial Accidents  
Leverett Saltonstall Building  
100 Cambridge Street  
Boston, Massachusetts 02202  
Attention: Inspection Section

It is felt this guide line creates a fair, equitable, and efficient method for collection of monies into the so called second injury funds established under the act for the benefit of insurers and self-insurers.

The cooperation of each insurer and self-insurer is essential to the success of this program.

Very truly yours,

A handwritten signature in cursive script, reading "Peter F. Macdonald".

Peter F. Macdonald,  
Assistant Attorney General  
Chief, Industrial Accidents Division