



The Commonwealth of Massachusetts

Division of Industrial Accidents

18 Tremont Street, Boston 8

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

July 9, 1951

Retyped on June 23, 1955
with designation "Division"
instead of Department.

CIRCULAR LETTER NO. 70

TO: ALL INSURANCE COMPANIES, SELF-INSURERS, AND WORKMEN'S COMPENSATION AGENTS OF DEPARTMENTS OF THE COMMONWEALTH AND COUNTIES, CITIES, TOWNS AND DISTRICTS SUBJECT TO THE WORKMEN'S COMPENSATION LAW.

Gentlemen:

Particular attention is directed to the following matters:

1. APPLICATIONS FOR DISCONTINUANCE OF COMPENSATION

Your attention is directed to Chapter 135 of the Act of 1951, effective June 10, 1951, copy of which accompanies this letter. You will note that before compensation can be discontinued on such an application that conference must be had. Applications as heretofore will continue to be filed on I.A.B. Form No. 17.

2. MEDICAL REPORTS

Your attention is again called to the provisions of Section 20 of Chapter 152 which requires the filing of medical reports. Many insurers have been careless of this requirement. Failure to file such medical reports may be the basis of refusal of action on an application for discontinuance, lump sum settlements and other action initiated by the insurer.

3. LUMP SUM SETTLEMENTS

Insurers are again reminded that where a lump sum agreement has been entered into with an employee who is receiving compensation that payment of weekly compensation to such employee shall continue until the parties receive notice of the approval of such agreement by the Board. The amount of weekly compensation paid between the date of signing the agreement and the date of final payment may then be deducted from the amount of the settlement.

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4. RESUMPTION OF COMPENSATION PAYMENTS

It has been an established policy and agreement between insurers and the Board that when an injured employee receiving compensation resumes work, (especially where the employee agrees to try work under assurance by the insurer that if he can't continue he will be restored to weekly payments) and is forced to quit before the expiration of a week because of the injury for which he had been receiving compensation, that the insurer shall restore the employee to compensation without the formality of a hearing. There have been too many instances of non-compliance with this policy.

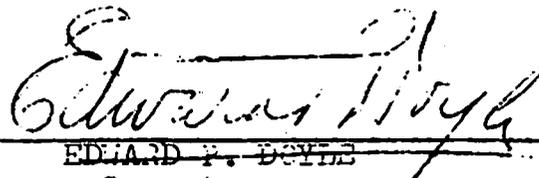
5. INFORMATION TO CLAIMANTS

It constantly comes to the attention of the Division that claimants to compensation for an alleged injury who have inquired of the insurer as to whether or not they are to receive compensation have been told that their claim is being investigated and that they will be notified if compensation is not to be paid, but, that they fail to receive such notification. This considerably delays the filing of a claim and request for hearing. Investigation to determine whether or not the claim is to be assumed should be made as promptly as possible, and when completed such claimants should be immediately notified of the insurer's attitude. They should be advised that they may file a claim and a request for hearing with the Board.

Insurers should communicate the foregoing matters to all officials and persons in their services charged with responsibility in any particular involved in the foregoing.

Kindly acknowledge receipt of this Circular Letter, stating briefly what action has been taken to effectuate the requirements of the preceding paragraph.

Very truly yours,


EDWARD P. BOYLE
Secretary

EPD/CGP

Retyped by CJH

Enclosure