



The Commonwealth of Massachusetts

Division of Industrial Accidents

150 Tremont Street, Boston 11

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

March 1, 1963

CIRCULAR LETTER NO. 129

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

IN RE: PAYMENT OF COMPENSATION FOR CERTAIN SPECIFIED INJURIES.

Your attention is directed to Chapter 471, of the Acts of 1962, effective November 1, 1962, a copy of which is enclosed.

It will be noted that this legislation increases the number of weeks and the amount of payment in certain specified injuries under Section 36.

Insurers and others having like obligations under the Act are directed to execute promptly agreements and to pay the compensation required by Section 36 in those cases where liability is not questioned and in which compensation for the specified injuries provided for in said Section 36 appears due an injured employee.

In order to provide equally expeditious payment of compensation and effect a uniform determination of the amount of compensation payable under sub-sections (r) and (h), the Board has determined that equitable and proper compensation payable under the provisions of these sub-sections shall be as follows:

Sub-section (r). Compensation for loss of fingers:

(loss shall mean loss by amputation or total loss of use.)

Compensation for the loss of members of a hand shall be paid

according to the percentages as set forth in the enclosed diagrams of the left and right hands with the amounts of compensation payable.

It should be noted that where the loss involves more than one finger, or parts thereof, that the compensation payable therefor may be greater than the aggregate compensation for each individual finger, or parts thereof, it being considered that a combination of amputations or loss of use of fingers, or parts thereof, may constitute a greater percentage loss of function of the hand as a working hand.

Sub-section (h). Disfigurement.

For the loss by amputation of a hand, or finger, or parts thereof, the Board is of the opinion that a proper and equitable compensation for such disfigurement should be paid in accordance with the enclosed schedule. This schedule shall apply to either hand.

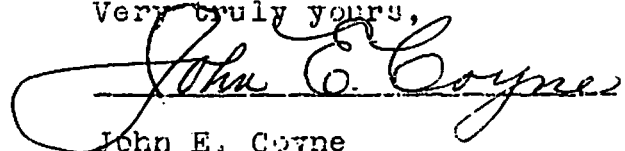
Where the loss is the distal joint, or a combination of the distal joints, the amount payable shall equal 50 per cent of that payable for the entire finger, or their combinations; and where the loss involves two joints the amount payable shall equal 90 per cent of the amount payable for the finger, or the combinations of the fingers involved; except that in the case of the loss of the distal joint of the thumb, the amount paid shall be 20 weeks at \$20.00 a week.

Combinations not covered by the schedule shall be listed for determination by the Board, or a Member thereof, as heretofore, unless parties agree as to the amount payable.

Agreements for specific compensation executed by the parties shall be accompanied by pertinent medical reports.

Any agreements which parties may enter into for the amount of compensation under these sub-sections shall be subject to the approval of the Board.

Very truly yours,


John E. Coyne
Secretary

JEC/ec
ENCS.

SCHEDULE OF PAYMENTS FOR DISFIGUREMENT
FOR THE AMPUTATION OF A HAND, OR ITS FINGERS
OR PARTS THEREOF

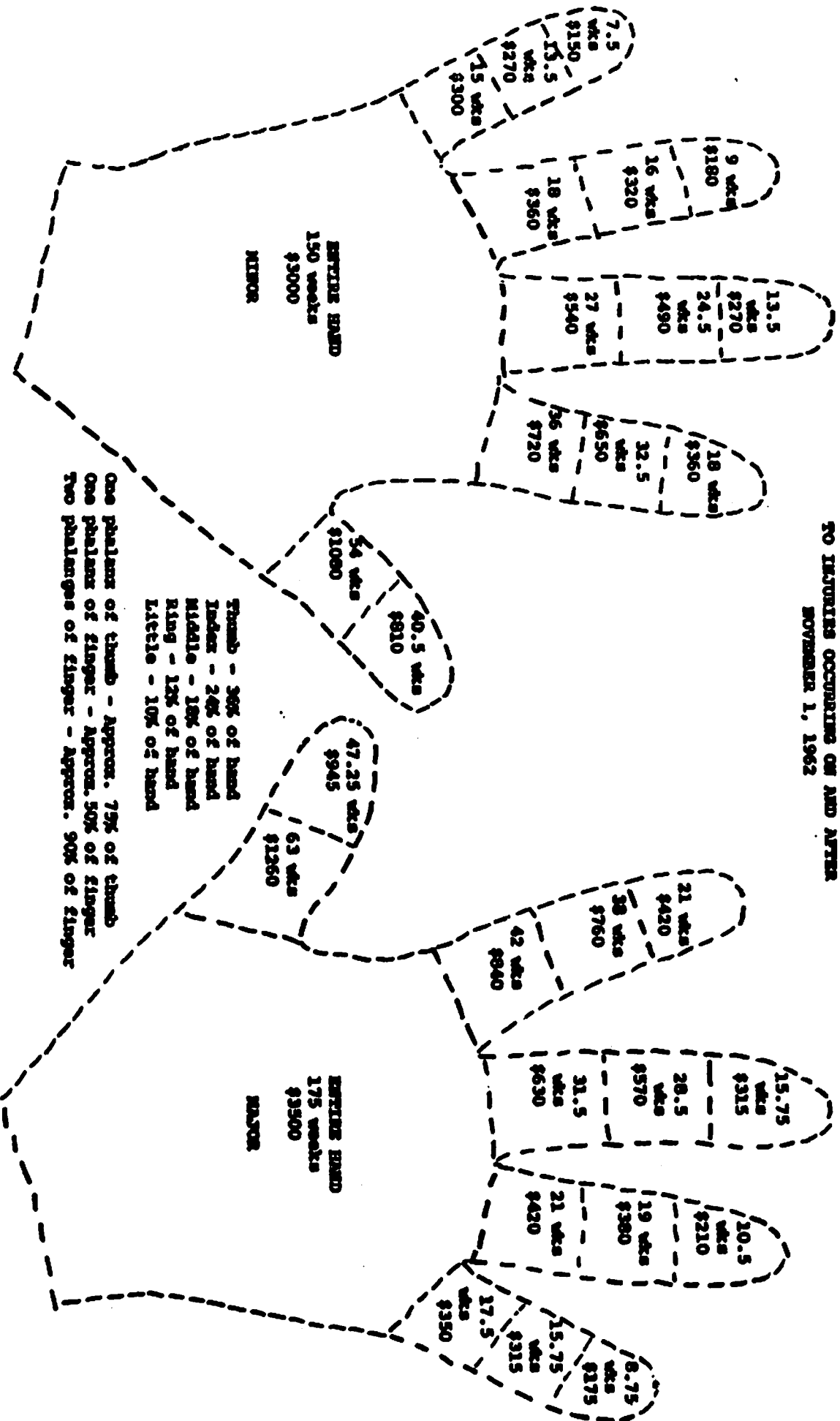
The numerals 1, 2, 3, 4, 5, shall designate respectively the following:

- 1 - Thumb
- 2 - Second or Index
- 3 - Third or Middle
- 4 - Fourth or Ring
- 5 - Fifth or Little

						<u>NO. OF</u> <u>WEEKS</u> 150	<u>TOTAL</u> <u>AMOUNT</u> \$3000
1	HAND						
	Fingers and Combinations						
2	1	2	3	4	5	125	2500
3	1	2	3	4		108.25	2165
4	1	2	3		5	101.25	2025
5	1	2		4	5	101.25	2025
6	1		3	4	5	101.25	2025
7	1	2	3			86.25	1725
8	1	2		4		86.25	1725
9	1	2			5	77.25	1545
10	1		3	4		86.25	1725
11	1		3		5	79.25	1585
12	1			4	5	79.25	1585
13	1	2				63.25	1265
14	1		3			63.25	1265
15	1			4		63.25	1265
16	1				5	54.25	1085
17	1					31.25	625
18	1	(Distal)				20	400
19		2	3	4	5	102	2040
20		2	3	4		84	1680
21		2	3		5	74	1480
22		2		4	5	74	1480
23		2	3			53	1060
24		2		4		53	1060
25		2			5	46	920
26		2				24	480
27			3	4	5	74	1480
28			3	4		55	1100
29			3		5	45	900
30			3			24	480
31				4	5	43	860
32				4		24	480
33					5	15	300

Applicable to Injuries occurring
on and after November 1, 1962.

CHAPTER 471 - EFFECTIVE AND APPLICABLE
TO INJURIES OCCURRING ON AND AFTER
NOVEMBER 1, 1962



CHAPTER 471

AN ACT INCREASING PAYMENTS FOR CERTAIN SPECIFIC INJURIES UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by striking out section 36 and inserting in place thereof the following section:- Section 36. In case of the following specified injuries the sum of twenty dollars a week shall be paid, in addition to all other compensation, for the following periods:-

(a) For the loss by enucleation or otherwise, or the total loss of use of both eyes, a period of five hundred weeks.

(b) For the reduction to twenty seventieths of normal vision in both eyes, with glasses, a period of five hundred weeks.

(c) For the reduction to twenty seventieths of normal vision in one eye, with glasses, a period of two hundred weeks.

(d) For the loss by enucleation or otherwise, or the total loss of use of one eye, or for injury to one eye which produces an inability which is not correctible to use both eyes together for single binocular vision, a period of two hundred weeks.

(e) For any permanent but partial reduction in either the acuity or field of vision of either eye, such period of weeks in proportion to the period applicable in the event of total loss, total loss of use, or the reduction to twenty seventieths of normal vision of one or both eyes as the partial reduction bears to such total loss, total loss of use or reduction to twenty seventieths of normal vision.

(f) For the loss of hearing of both ears, four hundred weeks.

(g) For the loss of hearing of one ear, one hundred and fifty weeks.

(h) For bodily disfigurement the number of weeks which, according to the determination of the industrial accident board, reviewing board or single member, is a proper and equitable compensation, not to exceed two hundred and twenty weeks, ~~which~~ ^{which} sum shall be payable in addition to all other sums under this section wherever the same shall be applicable.

(i) For loss of bodily functions or sense other than hearing and sight the number of weeks which, according to the determination of said board, reviewing board or single member, is a proper and equitable compensation, not to exceed one hundred and seventy-five weeks.

(j) For loss by severance of the right or major arm at the shoulder, a period of two hundred and twenty-five weeks.

(k) For loss by severance of the left or right arm at the shoulder, a period of two hundred weeks.

(l) For loss by severance of the right or major hand at the wrist, a period of one hundred and seventy-five weeks.

(m) For loss by severance of the left or minor hand at the wrist, a period of one hundred and fifty weeks.

(n) For the loss by severance of either leg at the hip, a period of two hundred weeks; for the loss by severance of both legs at the hip, a period of five hundred weeks.

(o) For the loss by severance of either foot at any point above the ankle joint, a period of one hundred and fifty weeks; for the loss by severance of both feet at any point above the ankle joint, a period of three hundred and fifty weeks.

(p) For such periods in the case of an arm or a leg, that if either is amputated at or above the elbow or the knee it or they shall be treated as though at the shoulder or the hip; but if amputated below the elbow or the knee it or they shall be treated as though at the ankle or the wrist.

(q) If the member, whether leg, foot, arm or hand, is not lost by severance, but is so injured as to be permanently incapable of use, for the same number of weeks as though it were severed; provided, however, that if the loss of use is less than total, then for such period of weeks in proportion to the period applicable in the event of total loss of use of said leg, foot, arm or hand as the functional loss bears to the total loss of use of such leg, foot, arm or hand.

(r) If the fingers, toes or other parts of the hand or foot have been severed or permanently rendered incapable of use, such period of weeks in proportion to the period applicable in the event of total loss or total loss of use of said hand or foot as the functional loss arising out of said severed or inutile part of said hand or foot bears to the total loss or loss of use of the same.

(s) For loss by severance of both hands at the wrist, a period of four hundred weeks.

(t) For loss by severance of both arms at the shoulder, a period of five hundred weeks.

The weekly payments provided for in this section shall at the discretion of the board or any member thereof be paid to the employee in a bulk sum. Nothing in this section shall adversely affect the employee's right to any compensation which is or may become due under the provisions of this or any other section.

SECTION 2. This act shall take effect on November first, nineteen hundred and sixty-two.

Approved May 21, 1962
Effective November 1, 1962

Publication of this Document Approved by Alfred Holland, State
Purchasing Agent - #1.