

**MASSACHUSETTS WORKERS' COMPENSATION  
ADVISORY COUNCIL MINUTES**

May 8, 2002  
Department of Industrial Accidents  
600 Washington Street, 7<sup>th</sup> Floor  
Boston, MA 02111

**Present:** Vice Chairman Edmund C. Corcoran, Jr. CM: Jeanne-Marie Boylan; Frank Fanning; Richard Lord (Tom Jones); Antonio Frias; Robert Banks; John Perry; Alan S. Pierce; Carol Falcone; Department of Economic Development (Robert Matthews); Department of Labor & Workforce Development (Paul O'Neill).

**Also Present:** DIA: Commissioner Griffin; Legal Counsel Paul Griffin; Senior Judge O'Shea; Jerome Shea; Jim Hayes.

**Advisory Council Staff:** Denise Lucciola; Andrew Burton; Ann Helgran.

**Absent:** Chairman William H. Carnes; CM: Stephen Sampson; Bruce Cochrane.

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**Agenda:**

DIA Update

Action Items

Minutes

Executive Director Update

Miscellaneous

Judicial Appointments - Executive Session

Vice Chairman Corcoran conducted today's meeting. He announced that following the regular meeting today, Council Members would adjourn to an Executive Session in order to interview judicial candidates.

## **DIA Update**

Senior Judge O'Shea updated Council Members on current judicial statistics. Conference Queue: 1,258; Hearing Queue; 1,585; Reviewing Board Inventory: 172; Impartial Exams: 3,651 (waivers 72). He noted that there was only one judge off-line at present but there was a possibility of another judge being taken off-line.

Senior Judge O'Shea explained his method of evaluating judicial performance. Vice Chairman Corcoran asked that the Council be informed when judges are taken offline. He voiced his support to the Senior Judge in any endeavor necessary to remove a judge who was not performing their duties. He thanked the Senior Judge for his update.

## **Stop Work Orders**

Mr. Shea reviewed the statistics on stop work orders. Total Investigations for April: 909; Total SWO's Issued: 189; Total Fines Collected: \$16,762.00; Total Fines Billed: \$33,400.00.

## **Budget**

Mr. Hayes updated Council Members and noted that the Budget was progressing on schedule and could foresee no problems in next year's budget.

## **Personnel Issues**

Mr. Shea then referred to his handout on personnel issues (attached to minutes).

Total DIA positions as of April 30, 2002: 291.0.

Vice Chairman Corcoran thanked the members of the Department for their update.

## **Action Items**

Vice Chairman Corcoran asked for a motion to accept the April 2002 minutes.

Motion made to accept the minutes.

MMS - passed.

### **Executive Director Update**

Executive Director, Denise Lucciola, updated the Council and referred to the memo she had included in Council Members' packets. She stated that she would keep the Council updated when the Senate releases their budget in a few weeks. She stated that Phase 1 of the Oracle project was successful and functioning smoothly.

Council Member Falcone stated that an OVER subcommittee was held on April 24th and that progress was being made with the Administration regarding OVER. The subcommittee will continue to work with Mr. Hayes and the Director of OEVR at another meeting that has been scheduled for June.

Vice Chairman Corcoran mentioned that he had met with former State Senator Lynch (now Congressman Lynch) at a Town Hall Meeting and that he sends his regards to the Council.

### **Adjourn to Executive Session for Judicial Appointment Interviews**

Vice Chairman Corcoran asked for a motion to adjourn to Executive Session for Judicial Appointment Interviews.

MMS - passed.

Meeting adjourned to Executive Session.

### **Executive Session - Judicial Appointments**

Council Meeting adjourned to Executive Session to interview prospective candidates for Administrative Law Judge and Administrative Judges in order to fulfill its statutory role in rating judicial nominees pursuant to its authority under M.G.L., c.23E, §9. Council Members were given a list of candidates who had been recommended for appointment by the Nominating Panel. Each candidate was interviewed by the Council and asked to reply to specific questions.

Vice Chairman Corcoran asked Council Members to rate the candidates as *highly qualified*, *qualified* or *not qualified*. He stated that upon completion of the interviews letters would be sent to the Governor advising her of the Council's position regarding the appointment of Judges.

### **Leo Purcell**

Reappointment to the position of Administrative Judge: Leo Purcell.

Motion made that he be rated "**qualified.**"

MMS - passed.

Motion made that he be rated "**highly qualified.**"

MMS - passed.

**Stephen Sumner**

Reappointment to the position of Administrative Judge/Administrative Law Judge: Stephen Sumner.

Motion made that he be rated "**qualified.**"

MMS - passed.

Motion made that he be rated "**highly qualified.**"

MMS - passed.

**Fred A. Taub**

Reappointment to the position of Administrative Judge/Administrative Law Judge: Fred Taub.

Motion made that he be rated "**qualified.**"

MMS - passed.

Motion made that he be rated "**highly qualified.**"

MMS - passed.

**Omar Hernandez, Esq.**

Appointment to the position of Administrative Judge: Omar Hernandez, Esq.

Motion made that he be rated "**qualified.**"

MMS - passed.

**Steven D. Rose, Esq.**

Appointment to the position of Administrative Judge: Steven D. Rose, Esq.

Motion made that he be rated "**qualified.**"

MMS - passed.

**Ward W. Weizel, Esq.**

Appointment to the position of Administrative Judge: Ward W. Weizel, Esq.

Motion made that he be rated "**qualified.**"

MMS - passed.

**Douglas W. Sears, Esq.**

Appointment to the position of Administrative Judge: Douglas W. Sears, Esq.

Motion made that he be rated "**qualified.**"

MMS - passed.

Vice Chairman Corcoran asked that the letters be sent to the Governor informing her of the Council's position regarding the appointment of Judges.

Motion made to adjourn.

MMS - passed - adjourned 12:30 p.m.