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MASSACHUSETTS
SIMPLE CLAIMS HANDLING STEPS

Simple claims handling steps

I. How did the case start?

1. First Report of Injury (Form 101)

If yes, then determine if there is insurance for the injury, if the accident happened and if there is 5 or more days of total or partial disability. If yes, then you **NEED** to respond with either a Form 103 (Notice of Payment) or Form 104 (Notice of Denial) **WITHIN** 14 days of receipt of the Form 101 (FROI).

-If Form 104 (Denial) use the necessary defenses.

-If Form 103 (Notice of Payment) then issue the initial check within the first 14 days and then diary for the weekly/bi weekly checks. You are now within the PWOP period (1st 180 days). Diary the 150th day and 170th days for later use.

2. Notice of Employee Claim, Form 110

If your first notice was an employee claim then you may already be behind. This means no FROI (Form 101) or a failure to calculate the 5 days (could still be handled by a medical only adjuster).

If Form 110 (employee claim) then you have 14 days from **RECEIPT** of the Form 110 to file a Form 103 (Notice of Payment) or Form 104 (Denial).

II. What Happens Next?

1. If you denied the case using a Form 104 Denial.

a. The case will either go away, no litigation, and you close you file.

b. The employee will continue to treat medically and you can make medical payments at DIA or other negotiated rates on a without prejudice basis (for the most part).

c. The employee files a Form 110 (Employee claim) refer to above steps.

2. If you started payment using the Form 103.

a. Penalty:

If you started payment, the initial payment should have been within the first 14 days of receipt of the Form 101 or Form 104. IF NOT, technically you owe the employee \$200 as a penalty for a late payment.

b. Maintenance:

Assuming correct initial payment, monitor the medical and weekly checks, if you need to adjust the AWW and indemnity rate use a Form 106 to adjust the rate giving the employee 7 days notice (not counting the day of mailing).

If the injury is going to persist, consider sending the employee a Form 105 Extension of the PWOP Period. This has to be approved by the DIA within the initial 180 days of onset of disability.

c. Modification or Terminations:

During the PWOP Period, if the employee's medical supports the unilateral modification or termination you may do so with a good faith basis by:

a. Filing the Form 106 (Notice of Modification) giving the employee a minimum of 7 days notice not counting the mailing day. We suggest 10 days notice to be safe. No retroactive modifications (without notice). The only exception is if the employee actually returns to work then no notice is necessary because he is presumably earning wages.

III. After the PWOP Period has ended (usually after the first 180 days).

If you are still paying you have accepted liability – meaning you have lost your unilateral rights and need a judge's permission to end weekly benefit in most cases.

If you now want to modify or terminate benefits you need to file the Form 108 (Insurer's Complaint to Modify or Discontinue) to start the litigation and get before a judge.