



MASSACHUSETTS WORKERS' COMPENSATION

Chapter 152 Cheat sheet (Insurer's perspective)

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CHEAT SHEET AS OF 10/1/18

Section 1 Calculating AWW

Generally use the employee's 52 weeks of earnings prior to the industrial injury. Where the employee failed to work a full 52 weeks, many methods are permitted. Usually, divide the number of weeks worked from the gross wages if the employee has a reasonable sample of weeks. The insurer can demand a comparable employee or look at past work history.

If the employee is a **seasonal worker** (bus driver, landscaper, outdoor painter, lifeguard) then the gross wages must be divided by 52 weeks and NOT the number of weeks actually worked. A good indication of a seasonal employee is where the employee is laid off and collecting unemployment yearly.

(Ex. Gross wages of bus driver is \$25,000, actually worked 38 weeks, the AWW is \$480.76) ($\$25,000 / 52$) and **NOT** \$657.89

Section 34 Temporary Total Weekly Benefits – 156 weeks

60% of the employee's AWW (ex: Gross wages \$1,000; Section 34 rate is \$600)
(Ex. AWW of \$1,000 x .60)

MAX: The employee's Section 34 rate can't exceed the state maximum set October 1st.
(Ex. Gross wages of \$2,500; for injuries on or after 10/01/18 SAWW is \$1,383.41. Section 34 rate is actually \$1,383.41 and NOT \$1,500).

MIN: The minimum of \$276.68 applies if the AWW is higher than \$276.68 and when you x 60% it drops below. The employee gets the \$276.68. (Ex. Gross wages of \$400; for injuries on or after 10/01/18 minimum is \$276.68. Section 34 rate is actually \$276.68 and NOT \$240).

Section 35 Temporary Partial Weekly Benefits – 260 weeks (more or less)

Maximum partial is 75% of the Section 34 rate above. If very low wages call me.*

(Ex. AWW of \$1,000, Section 35 maximum is \$450.00; ($\$1,000 \times .60 = \$600 \times .75 = \450.00) **OR** ($\$600.00 \times .75 = \450.00)

OR When employee is currently working and making less
(Ex. Current earnings (CE) - AWW x 60%) but (not to exceed max partial amount)

(Ex. Prior AWW = \$1,000; CE = \$500; Sec. 35 = \$300.00; **Max 35 = \$450**)
($\$1,000 - \$500 = \$500$. $\$500 \times .60 = \300.00) but if CE=\$100, Sec. 35 = \$450 **NOT 540***)

Current SAWW as of 10/01/18

Maximum	\$1,383.41	Minimum	\$276.68
Mileage:	Effective 8/1/08: \$0.45 a mile		

Commencement of Benefits or Denial: 14 days of receipt by insurer of either Form 101 or 110.