



State of New Hampshire

Department of Labor

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Ken Merrifield
Commissioner

Rudolph W. Ogden, III
Deputy Commissioner

December 5, 2018

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

The Department of Labor, Office of the Commissioner, is in receipt of a petition submitted for [REDACTED], seeking compensation pursuant to RSA 281-A:32-a. Following a review of this petition, the Department of Labor requests authorization to disburse \$39,829 to [REDACTED] as compensation for a partial permanent [REDACTED] injury of less than 100% maximum medical improvement, sustained as a result of an injury he incurred in the line of duty on [REDACTED]. Said funding is effective upon Governor and Council approval. 100% General Funds.

EXPLANATION

On [REDACTED], while on duty as a [REDACTED], [REDACTED] sustained an injury to his [REDACTED] after [REDACTED]. He was subsequently diagnosed with [REDACTED], resulting from this accident. [REDACTED] was paid Workers' Compensation benefits for this injury, inclusive of medical and indemnity benefits, in accordance with RSA 281-A.

The instant request is to fund and disburse additional monetary benefit to [REDACTED], as authorized by RSA 281-A:32-a. RSA 281-A:32-a added the First Responder's Critical Injury Fund to the Workers Compensation law, and provides for additional compensation to any group II retirement system member for critical injuries. The statute states, in relevant part:

" In addition to other payments made under RSA 281-A, a group II retirement system member may request additional compensation under this section. If the impairment to a group II retirement system member resulting from an injury is partial, with a determination by the department of labor that the employee has reached maximum medical improvement and that such maximum medical improvement is less than 100 percent, the governor may draw a warrant, with approval by the executive council, from funds not otherwise appropriated for payments in addition to benefits payable under this chapter for an award to be paid to such employees in amounts provided by RSA 281-A:28.... for the number of weeks set forth in this section for permanent bodily loss or impairment".

██████████ is a group II retirement system member, with a partial injury to the ██████████. While the Department of Labor did not make a formal determination under RSA 281-A that ██████████ has reached maximum medical improvement and that such maximum medical improvement is less than 100 percent, a Department determination was made when approval of a lump sum settlement was granted, in which the parties agreed that ██████████ was at maximum medical improvement with a permanent impairment rating of 3% as negotiated by the parties.

The statute goes on to set forth the appropriate number of weeks of compensation for permanent loss of impairment of : (a) heart, lung or brain (2) other internal organs or; (c) speech, touch, taste or smell. ██████████ sustained an injury to the ██████████, for which RSA 281-A:32-a, I (a) proscribes 208 weeks of compensation for loss.

As it relates to payment of compensation, RSA 281-A:32-a, II further states that "total compensation payments for all additional compensation claims paid under this section shall not exceed \$125,000 per claimant." On September 19, 2018, Peter Callaghan, Esq., counsel for ██████████, submitted a petition seeking additional compensation pursuant to RSA 281-A:32-a in the amount of \$125,000, the maximum allotted by statute. In 2016, funds in the amount of \$85,171.00 were disbursed to ██████████ under RSA 281-A:32-a for a partial permanent impairment of loss of ██████████ due to an injury occurring in the line of duty on ██████████. This earlier petition was approved by the Governor and Council ██████████. Given the statute limits total payments for additional compensation paid under this section to \$125,000 per claimant, ██████████ instant request for additional compensation under RSA 281-A:32-a is limited to the amount of \$39,829 (\$125,000 - \$85,171 = \$39,829).

Respectfully submitted,



Kenneth Merrifield
Commissioner
Department of Labor