

# SENATE . . . . No. 230

---

---

To accompany the petition of Charles W. Lavers for legislation relative to practice and procedure under the workmen's compensation law. Labor and Industries.

---

---

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Two.

---

An Act relative to Practice and Procedure under  
the Workmen's Compensation Law.

1 *Whereas*, The deferred operation of this act  
2 would, in part, defeat its purpose, therefore it is  
3 declared to be an emergency law, necessary for  
4 the immediate preservation of the public con-  
5 venience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section twelve of chapter one hundred and  
2 fifty-two of the General Laws, as amended by  
3 chapter two hundred and forty-six of the acts  
4 of nineteen hundred and twenty-nine, is hereby  
5 further amended by inserting after the word  
6 "record" appearing in the first line of the new  
7 paragraph incorporated therein by the said  
8 amendment, the words: — an agreement of the  
9 parties or, — so that the said paragraph added  
10 by chapter two hundred and forty-six of the acts

11 of nineteen hundred and twenty-nine shall read  
12 as follows: — When in any case before the board  
13 there appears of record an agreement of the  
14 parties or a finding that the employee is entitled  
15 to compensation, no subsequent finding by the  
16 board or by a member thereof discontinuing  
17 compensation on the ground that the em-  
18 ployee's incapacity has ceased shall be considered  
19 final as a matter of fact or res judicata as a  
20 matter of law, and such employee or his de-  
21 pendants, in the event of his death, may have  
22 further hearings as to whether his incapacity or  
23 death is or was the result of the injuries for  
24 which he received compensation; provided, that  
25 if the board shall determine that the petition  
26 for such rehearing is without merit and frivo-  
27 lous, the employee or his dependents shall not  
28 thereafter be entitled to file any subsequent pe-  
29 tition therefor except for cause shown and in  
30 the discretion of the member to whom such sub-  
31 sequent petition may be referred, and that in  
32 the event of the death of the employee, such a  
33 petition for a rehearing shall be filed within  
34 three months from the time of his decease and  
35 within one year from the date of the finding  
36 terminating his compensation.



