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State of New Hampshire

Department of Labor

Ken Merrifield
Commissioner

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May 19, 2023

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

REQUESTED ACTION

The New Hampshire Department of Labor, Office of the Commissioner, is in receipt of a petition seeking additional compensation pursuant to RSA 281-A:32-a for Group II retirement system member [redacted]. Following the Department's review and revision of this petition as the administrator of the workers' compensation statute, the claimant requests a warrant be drawn to disburse $125,000 to him as compensation for partial permanent impairment to touch at less than 100% maximum medical improvement, as a result of an injury sustained in the line of duty on [redacted]. Said funding is effective upon Governor and Council approval. Source of funding is 100% General Funds not otherwise appropriated.

EXPLANATION

[redacted] sustained significant [redacted] while in the line of duty. He underwent numerous surgeries, including [redacted] received workers compensation benefits for these injuries in accordance with RSA 281-A.

This request is to fund and disburse additional monetary benefit to [redacted] as authorized by RSA 281-A:32-a, which 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 specified, critical work-related 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."

[redacted] is a Group II retirement system member with partial injury to his [redacted] resultant in impairment to touch. [redacted] was placed at maximum medical improvement of less than 100% for permanent bodily loss and impairment by Dr. [redacted] and Dr. [redacted] as a result of his work-related injury. [redacted] therefore meets statutory criteria for additional compensation pursuant to RSA 281-A:32-a.

The statute sets forth the appropriate number of weeks of compensation for permanent loss of impairment of: (a) heart, lung or brain (2) other internal organs or (3) speech, touch taste or smell. [redacted] sustained burn injury to his skin resulting in impairment to touch resultant from [redacted], for which RSA 281-A:32-a (I)(b) proscribes 104 weeks of compensation loss. This calculates to a compensation rate of $193,960 (104 weeks x $1,865). Total compensation for additional compensation awarded under RSA 281-A:32-a may not exceed $125,000 per RSA 281-A:32-a(II). On this basis, [redacted] is entitled to additional compensation in the amount of $125,000 upon the approval of the Governor and Council.

Sincerely,

Ken Merrifield
Commissioner
Department of Labor