



# State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

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FEB 11 2026

Charles M. Arlinghaus  
Commissioner

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December 22, 2025

Her Excellency, Governor Kelly A. Ayotte  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

## REQUESTED ACTION

Authorize the Department of Administrative Services, Division of Risk and Benefits, under RSA 281-A:13, V. to waive a portion of the State's \$135,010.02 gross lien related to a workers' compensation claim for [REDACTED] and to accept \$45,000.00 to satisfy the lien, effective upon Governor and Council approval.

## EXPLANATION

On [REDACTED] was on duty as a [REDACTED] for the Department of Transportation when [REDACTED] state owned car was struck by a motor vehicle whose driver ran a stop sign. The State, working through its workers' compensation third-party administrator, Constitution State Services (CSS), paid workers' compensation benefits related to [REDACTED] injuries in the total amount of \$135,010.02. Per RSA 281-A:13, the State is entitled to a lien on proceeds the injured employee receives as a result of a claim or civil action against a third party responsible for the injury up to the \$135,010.02, less pro rata share of fees, expenses, and cost of action. Only the Governor and Executive Council has the authority to grant a full or partial waiver of the lien.

[REDACTED] obtained legal counsel to pursue civil action against the driver who caused [REDACTED] injuries. and [REDACTED] has indicated that a partial lien waiver will allow for a more equitable recovery. The Division of Risk and Benefits has tentatively agreed to a \$45,000 settlement contingent upon the Governor and Council approval of the partial lien waiver.

The attached petition explains the tentatively agreed upon \$45,000 paid to the State as payment in full on the lien. The State will have the benefit of a \$121,750 holiday which will cover [REDACTED]

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permanent impairment award, which has not yet been paid, as well as future medical and indemnity expenses. Based on the foregoing, DAS recommends that a partial lien waiver be granted by the Governor and Executive Council.

Respectfully submitted,



Charles M. Arlinghaus  
Commissioner

**THE STATE OF NEW HAMPSHIRE  
GOVERNOR AND EXECUTIVE COUNCIL**

**PETITION OF STATE OF NEW HAMPSHIRE, CONSTITUTION STATE SERVICES,**

[REDACTED]

V.

**NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION**

**JOINT PETITION FOR PARTIAL WAIVER OF WORKERS' COMPENSATION LIEN**

The State of New Hampshire, Department of Transportation ("State"), Constitution State Services ("Constitution"), the State's workers' compensation claims administrator, and [REDACTED] hereby jointly petition for approval of a partial waiver of a workers' compensation lien per RSA 281-A:13, v, under the following terms and conditions:

1. [REDACTED] has been employed by the State DOT for [REDACTED]. [REDACTED] was on duty as a [REDACTED] when [REDACTED] was involved in a motor vehicle accident while in [REDACTED] state vehicle. [REDACTED] received workers' compensation benefits for [REDACTED] injuries [REDACTED].
2. The State through Constitution has paid wage replacement benefits and medical benefits in the amount of \$135,010.02.
3. [REDACTED] filed a civil case against the owner of the third-party vehicle and entered into a settlement agreement with the third-party's automobile insurance carrier and the underinsured motorist carrier to resolve the civil case in the amount of \$250,000.00.

4. Reducing the State's lien to \$45,000.00 will provide for an equitable division of the settlement, which includes the \$44,958.34 prorated share of [REDACTED] attorney fees and costs that the State is obligated to pay under RSA 281-A:13, I (b).

5. The parties jointly request [REDACTED] petition to waive a portion of the State's lien and, in the interests of justice, accept \$45,000.00 in full satisfaction of the lien.

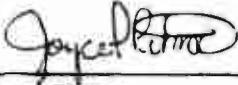
6. RSA 281-A:13, V, provides that the Governor and Council "may, in their discretion, waive all or part of the lien."

7. The Petitioners submit that a reduction of the lien in exchange for a settlement of the third-party case as described is fair and reasonable. The State will also be entitled to a holiday without reduction for fees and costs, on future medical treatment and permanent impairment up to \$121,750.00 representing the amount of [REDACTED] net recovery in the civil settlement.

8. For the foregoing reasons, the petitioners jointly request that the Governor and Executive Council approve the lien waiver as set forth herein.

Respectfully Submitted

The State of New Hampshire  
Dept. of Administrative Services

By:   
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Director of Risk and Benefits  
25 Capital Street, Concord, NH 03301  
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Dated: 12/30/2025

Constitution State Services

Dated: 12/9/25

By: Joseph M. Pizzino  
Joe Pizzino

Constitution State Services  
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Dated: 12/9/25

By: [Signature]  
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