

State of New Hampshire

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DEPARTMENT OF ADMINISTRATIVE SERVICES
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Charles M. Arlinghaus Commissioner Catherine A. Keane Deputy Commissioner

Sheri L. Rockburn Assistant Commissioner

December 18, 2023

His Excellency, Governor Christopher T. Sununu and the Honorable Council State House Concord, NH 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 \$177,431.75 gross lien related to a workers' compensation claim for and to accept \$40,000.00 to satisfy the lien, effective upon Governor and Council approval.

EXPLANATION

			worker for the Department
of Transportation when the	he mower was operating	g was struck by a motor	vehicle. The State, working
through its workers' cor workers' compensation b	npensation third-party adnenefits related to	ninistrator, Constitution injuries in the to	State Services (CSS), paid otal amount of \$177,431.75.
claim or civil action again	st a third party responsible f t of action. Only the Govern	for the injury up to the \$17	oyee receives as a result of a 77,431.75, less pro rata share il has the authority to grant a
injuries, and has indica CSS has recommended to	ated that there is only \$100, accept \$40,000 in full satis	,000 in limits available fr faction of the lien. The D	t the driver who caused om the personal injury case. Division of Risk and Benefits and Council approval of the

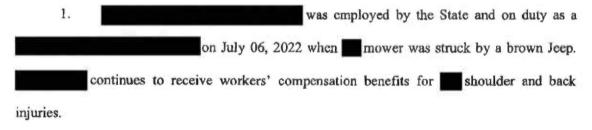
THE STATE OF NEW HAMPSHIRE GOVERNOR AND EXECUTIVE COUNCIL

Petition of State of New Hampshire, Constitution State Services Insurance Company

New Hampshire Department of Transportation

PETITION FOR PARTIAL WAIVER OF WORKERS' COMPENSATION LIEN

The State of New Hampshire, Department of Transportation ("State") and Constitution State Services Insurance Company ("CSS"), the State's current workers' compensation claims administrator, 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:



- 2. The State, through Constitution State Services, has paid wage replacement benefits and medical benefits in the amount of \$177,431.75.
- 3. has not yet pursued action against the third-party driver, pending the approval of this petition. The total insurance coverage available is \$100,000.
- 4. The parties have tentatively agreed to the following three-way split of the \$100K settlement: State/CSS \$40,000.00, \$25,446.78, and Attorney Pomeroy \$34,553.22. The State will retain its right to a dollar-for-dollar holiday in the amount of \$25,446.78, without

reduction for fees or costs. The Holiday will commence on the date of approval of the third-party settlement by the Department of Labor.

- The parties jointly request this partial waiver in order to accept the \$40,000 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."
 - The recovery of \$40,000 presents a fair resolution under the circumstances.
- 8. For the foregoing reasons, the petitioners jointly request that the Governor and Executive Council approve the partial lien waiver as set forth herein.

Respectfully Submitted, The State of New Hampshire Dept. of Administrative Services

Dated: 12/18/2023

By:

Joyce Pitman

Director of Risk and Benefits

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Constitution State Services

Dated: 12/1/23

By: Jo

Joe Fizzino

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By Attorneys, Shaheen and Goydon

Dated: 12/1/23

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