



# BIGGAM FOX SKINNER LLP

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March 13, 2025

Sen. Alison Clarkson, Chair  
Senate Committee on Economic Development,  
Housing & General Affairs

Re: Follow up to my February 27, 2025 Testimony

Dear Senator Clarkson:

I write to follow-up on my testimony before your Committee on February 27, 2025 regarding 25-0652 – An Act Relating to Compensation, Workers' Compensation, Unemployment Compensation, and Wage Requirements for State Construction Projects.

Thank you for allowing me the opportunity to testify in support of the proposed changes affecting Workers' Compensation.

As you know, one of the proposed changes is to increase the penalties owed by workers' compensation carriers when they issue untimely payments to injured workers. The proposed changes are needed because late payments are increasingly common and the current penalty scheme is not a sufficient deterrent.<sup>1</sup>

You requested I provide some data regarding late payments so you and your committee would have a better idea of the nature and extent of the problem.<sup>2</sup>

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<sup>1</sup> Under current law, a 5% penalty is owed if a payment is issued 1-20 days late. A 10% penalty is owed if a payment is issued 21 or more days late. The proposed legislation would increase the penalties in 5% increments up to 25% with each successive late payment issued in the claim such that the first payment is subject to a 5% penalty, the second late payment a 10% penalty, the third a 15% penalty, etc....

<sup>2</sup> In my testimony I explained that the Department of Labor does not know about the vast majority of late payments that occur, as they are not monitoring all payments issued to injured workers. Thus, the Department of Labor cannot provide any meaningful statistics on this issue.

In reviewing my own Workers' Compensation cases where a client was due an indemnity benefit between 1/1/24 and today, 3/13/25, I can provide the following information:

- Out of 62 cases, at least one late payment was issued in 29 cases.  
→ This equates to 47% of the cases involving at least one late payment.
- Roughly 15% (9 of 62 cases) had a single late payment.
- Roughly 6% (4 of 62 cases) had two late payments.
- More than a quarter of the cases (16 of 62 cases, or 26%) had three or more late payments.

As I testified to on February 27, 2025, I have one client who has received more than 25 late payments during the course of his claim due to untimely issuance by the workers' compensation carrier.

I hope this information is helpful to you and the Committee, and I urge you to move forward with the proposed legislation. If you have further questions or concerns, please contact me.

Thank you.

Sincerely,



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