



SECTION 32 WAIVER AGREEMENT: CLAIMANT RELEASE

PO Box 5205, Binghamton, NY 13902-5205

CLAIMANT'S NAME (PRINT)	WCB CASE NUMBER(S)
CLAIMANT'S CURRENT ADDRESS	

After reviewing and signing the final Section 32 Waiver Agreement, claimant must complete this document and have it notarized. In order to expedite the processing of the Agreement, this document must be submitted to the Board along with the Section 32 Waiver Agreement (Form C-32). See below for more information about the Section 32 Waiver Agreement resolution process.

Note: You are waiving your right to future Workers' Compensation Benefits. It is important that you review and understand the information below.

- 1. Review and Approval:** The Board will review the Section 32 Waiver Agreement and determine whether it can be approved without a hearing. If the Board determines that the agreement can be approved without a hearing, a proposed decision will be mailed to all parties advising them of the date the agreement is deemed to have been submitted to the Board, and the date on which, if no party withdraws from the agreement, the approval of the agreement becomes final. If the Board determines that a hearing is required prior to approval of the agreement, all parties will receive a notice of the time, date and location of the hearing. The agreement will be deemed to have been submitted on the date of the hearing. After the hearing, if no party withdraws from the agreement, the parties will receive a notice of decision indicating that the agreement has been approved by the Board.
- 2. Right to Withdraw:** All parties to the agreement have ten (10) calendar days from the date the Section 32 Waiver Agreement is deemed to have been submitted to the Board to withdraw from the agreement.
- 3. Settlement Check:** The insurance carrier has ten (10) calendar days from the date the approval of the agreement becomes final to send the settlement check to you, unless a party submits a written notice of withdrawal.
- 4. Penalty:** If the insurance carrier fails to send (postmark) the settlement check within ten (10) calendar days from the date that the approval of the agreement becomes final, you may request that the Board assess a penalty against the carrier.
- 5. Final and Conclusive:** Please remember that once the ten (10) day withdrawal period from the date the agreement is deemed to have been submitted has passed and the agreement is approved by the Board, the agreement is final and conclusive on the parties in interest.
- 6. Modification:** After the Board issues a notice of decision approving the Section 32 Waiver Agreement, the agreement can be modified only upon the agreement of all the parties and approval of the Board.
- 7. Medical:** Unless the agreement allows for future medical benefits, any future medical expenses related to your claim will become your responsibility.
- 8. Communication with Board:** Any communication with the Board should reference your WCB claim number.
- 9. Medicare Set-Aside:** If you waive your right to ongoing medical treatment pursuant to a Section 32 Waiver Agreement, you must consider Medicare's interests, and failure to do so may jeopardize your future entitlement to Medicare benefits for treatment of your work-related injury. When necessary, Medicare's interests can be taken into account by the establishment of a Medicare set-aside provision in the agreement settling the workers' compensation claim. A Medicare set-aside is a portion of the overall settlement that is deemed sufficient to cover the cost of future causally-related medical treatment. Guidelines regarding whether a Medicare set-aside is necessary, as well as the calculation and administration of a workers' compensation Medicare set-aside, have been developed and distributed by the Center for Medicare & Medicaid Services (CMS).

