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**COSTLY MISTAKE #6  
of North Carolina Workers' Compensation Claims**

**SETTLING FOR THE RATING ONLY**

We have been discussing many different mistakes that can be made during your workers' compensation claim but what happens when the doctor releases you and says that you are as good as you are going to get? As noted previously, this is called maximum medical improvement. It is at this point in time that you may be entitled to a settlement.

The Industrial Commission has set out guidelines that outline to the treating physician how to assign a permanent partial disability rating. It is called the North Carolina Ratings Guide. It takes into account several different considerations including, but not limited to, the range of motion, the tendency to form arthritis, and the structural damage caused by the injury by accident.

Once the physician has assigned a permanent partial disability rating then the insurance company creates a Form 21 utilizing this information which establishes the settlement amount of your case.

In workers' compensation there is no payment for pain and suffering and the amount of the settlement is guided by the law. The settlement amount is calculated by using a mathematical formula which includes your compensation rate multiplied by your rating then multiplied by the number of weeks assigned to your injured body part.

This type of settlement should only be used if you have returned back to work with your employer and you have not had a reduction in your ability to earn wages. By this I mean that you are making the same or greater wages then you were before you were injured. If you are not back to work at a real job then do not settle on the rating alone!