



OUCH!

You might be familiar with the general aspects of [Minnesota workers' compensation](#) benefits system for permanent partial disability. Minnesota law provides a schedule of benefits, with the amount of benefits being dependent on an "impairment rating" which corresponds to how severe your injury is. But what happens if you were already injured before you received the injury that you're looking into compensation for? Let's call the later injury the second injury and the preexisting injury the first injury, just for purposes of discussion. Here's how to figure out what benefits you'll be entitled to for the second injury.

The first thing to consider is whether the disability that you suffered as a result of the second injury actually was attributable in part to your first injury. For example, say the first injury was damage to nerves in your back, which could have caused you to have trouble walking but didn't. Then, the second injury was a joint injury in your hip, which DID cause you to have trouble walking. Even though the first injury could theoretically have been the cause of your trouble with walking, that trouble isn't actually attributable to the first injury. You and your lawyer can discuss what the information from your doctors means in relation to this issue.

If your disability is attributable in part to your first injury, your compensation for the second injury will be reduced by the proportion of the disability which is attributable only to the first injury. Assuming your first injury occurred after January 1, 1984, (that's when MN law changed) the first injury is given a rating according to a chart set out in state law. The rating comes in the form of a percentage of bodily impairment. Then, you subtract that percentage from the percentage of bodily impairment assigned to you for your total current disability. That percentage is then multiplied by the amount provided for under Minnesota workers' compensation law.

Don't be too worried about your employer trying to baselessly argue that you had a preexisting condition. The court won't reduce your permanent partial disability benefits based on a preexisting condition unless there is medical evidence of that condition dating from before the second injury.

This can be a confusing area of the law and one which can get tricky, if you have question call for a free consultation.

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