

WORKERS' COMPENSATION NEWSLETTER

This is a newsletter of interest to professionals who provide services to Injured Workers.

12 Workers' Compensation Terms to Know

Accepted Claim

A claim in which the insurance company accepts or agrees that your injury or illness will be covered by workers' compensation.

Medical Only Claim

A claim in which the insurance company or employer accepts or agrees that you have suffered an injury, however, they believe that you are still capable of working and as such are only going to pay for medical treatment only.

Denied Claim

A claim in which the insurance company or employer does not accept or believe that they have a responsibility to provide compensation for your injuries.

Average Weekly Wage

The injured employee's average weekly salary prior to the injury. In order to determine the average weekly wage you must look at 52 weeks of the injured's salary prior to the date of the accident. Generally you total the yearly salary then divide it by 52 weeks. If there are not 52 weeks then most of the time the insurance company or employer simply uses the average of those weeks that the injured employee worked prior to the date of the injury. (This may or may not be correct as it depends on what is fair and reasonable. For example: If you have only worked at the employer for less than three months then more likely than not this is an accurate picture of what your wage earning capacity would be for that position.)

Compensation Rate

The compensation rate is two-thirds of the injured employee's average weekly wage.

Temporary Total Disability

Weekly disability compensation provided to the injured employee for his/her inability to work. The disability payments are provided at the employee's compensation rate.

Temporary Partial Disability

Weekly disability compensation provided to the injured employee for his/her reduction in their average weekly wage due to the compensable injury. The disability payments are two-thirds the difference of the injured's pre-injury wages and those wages after the date of injury.

Permanent Partial Disability Rating

The percentage amount assigned to a body part intended to determine the number of weeks the injured is entitled to for compensation for their injury. The permanent partial disability rating is assigned by the treating physician.

Maximum Medical Improvement (MMI)

Once it is unlikely that the injured employee's condition will change or improve with or without further medical treatment, an "MMI" is determined. Maximum medical improvement is determined by the authorized treating physician. Usually when the injured employee reaches maximum medical improvement he/she is released from doctor's care.

Modified or Light-Duty Work

Temporary employment offered by the employer to the injured employee while they are on restrictive duty by the treating physician.

Suitable Employment

Once the employee reaches MMI, the law requires that the injured employee be returned to suitable employment. Suitable employment is permanent employment available in the competitive marketplace, within the employee's physical, education, and vocational abilities. The employment also must be comparable in wages as to the injured's pre-injury position.

Vocational Rehabilitation

If you are permanently unable to do your usual job, and your employer does not offer other suitable employment, you will qualify for this benefit. It may include job placement counseling, retraining and a vocational rehabilitation maintenance allowance.

Training for Your Group or Office

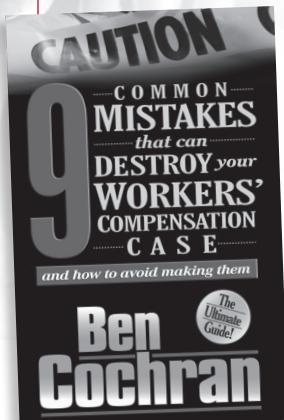
We are available to conduct workshops or short training meetings, tailored to the needs of your office staff. **There is no charge for this.** Please call our office to make arrangements for in-service training, or talks to groups and organizations on any area of Workers' Compensation law.

**1-800-
LAWYER-NC**

Call or visit www.asklawyernc.com and enter your questions. You will get answers by an attorney the same day, confidentially and with no obligation.

www.lawyernc.com

Worker's Compensation Book For FREE



Ben Cochran, a Board Certified Specialist in Workers' Compensation Law, has written a new book for injured workers and consumers to educate them as to the pitfalls on the Workers' Compensation claims process. *9 Common Mistakes that can Destroy your Workers' Compensation Case and how to avoid making them* is written in plain English without the legal mumbo jumbo. This book will help you learn what you should and should not do when pursuing a Workers' Compensation claim.

If you or your office would like some free copies for your staff, patients or clients, please call 1-800-600-7969 and we will get you as many copies as you need.



**Do you
know
someone
who has
been injured
on the job?**

What is Workers' Compensation?

To protect an injured worker from loss of income if injured at work and for payment of medical bills, the State Legislature adopted the North Carolina Workers' Compensation Act. The legislative intent of the Act is to make employers responsible for the injuries of their employees who were injured by accident in the furtherance of the employer's business. This Act provides workers with full compensation for medical bills and partial compensation for lost wages if they have been injured on the job. The Act also compensates injured workers for any permanent disability or lasting inability to earn the same wages due to the compensable accident.