



**TENNESSEE BUREAU OF WORKERS' COMPENSATION
IN THE COURT OF WORKERS' COMPENSATION CLAIMS**

AT _____

)	Docket No.
Employee,)	
v.)	
)	State File No.
Employer,)	
And)	
)	Judge
Carrier.)	

Explanation of Workers' Compensation Benefits

Open Future Medical

If the settlement agreement entitles the employee to open future medical treatment, then the employee has the right to receive reasonable, necessary, and related medical care for treatment of the work-related injury. In addition, an injured employee is entitled to reimbursement for expenses incurred while traveling to receive medical treatment whenever the distance is greater than 15 miles from the injured employee's home or workplace address. Reimbursement is made on a per-mile basis and paid at the prevailing state rate for mileage reimbursement.

Closed Future Medical

If a settlement agreement closes the employee's right to future medical treatment, the employer/carrier is no longer responsible for the employee's medical treatment. If the employee needs medical treatment after the date of the settlement agreement, it will be his/her responsibility. Consequences might result from closing the right to future medical treatment with respect to Medicare and TennCare benefits.

Temporary Partial Disability

This benefit is available for an employee whose work injury temporarily disables him/her from performing the employee's regular job and causes the

employee to earn a lesser wage. The benefit is 66 and 2/3 percent of the difference between the pre-injury wage and the post injury wage and cannot be less than the minimum, or more than the maximum, weekly benefit. It is payable until the employee reaches maximum medical improvement or for a period of 450 weeks, whichever is shorter.

Temporary Total Disability

This benefit is available for an employee whose work-related injury temporarily disables him/her from performing any job. The benefit is 66 and 2/3 percent of the employee's pre-injury average weekly wages and cannot be less than the minimum, or more than the maximum, weekly benefit. It is payable until the employee reaches maximum medical improvement or returns to work or for a period of 450 weeks, whichever is shorter.

Permanent Partial Disability

All injuries are worth a total of 450 weeks of benefits. An employee who sustains a work injury that results in the assignment of a permanent impairment rating is entitled to one time his/her impairment rating (450 weeks times the impairment rating times the compensation rate equals the settlement amount). **This is the original award.**

The compensation period is determined by multiplying 450 weeks times the assigned impairment rating or 180 days after the employee reaches maximum medical improvement, whichever is later. (The 180 day contingency applies only to claims with a date of injury on or after June 22, 2020.)

If an employee has returned to work with any employer making the same or greater rate of pay on the date of injury or if the employee is not working and the loss of employment is due to voluntary resignation, retirement, or termination for misconduct, then the employee is not entitled to *any* increased benefits at the conclusion of the compensation period.

If at the conclusion of the compensation period the employee did not return to work with any employer or has returned to work and is receiving less than his/her pre-injury wages on the date of injury, then the employee is entitled to the original award multiplied by **1.35 (the resulting award)**, and the employee *might* be entitled to **further increased benefits by multiplying the resulting award by the product of any of the following factors, if applicable.**

- If the employee lacks a high school diploma or GED, then the employee's resulting award is multiplied by **1.45**.

- If the employee was more than forty years old, then the employee's resulting award is multiplied by **1.2**.
- If the unemployment rate in the county where the employee was employed by the employer at the time of injury was at least two percentage points greater than the year average unemployment rate in Tennessee for the year immediately before the expiration of the compensation period, then the employee's resulting award is multiplied by **1.3**.

If an employee's original award is increased, the employer/carrier shall be credited for payment of the original award.

To be eligible for any of the above increased benefits, the employee must **file a new petition for benefit determination within one year** after the initial compensation period has expired.

In extraordinary cases, the employee might be entitled to additional benefits in excess of the specific multipliers listed above, up to but not exceeding 275 weeks of benefits. To be eligible for extraordinary relief, the Workers' Compensation Judge must determine that it would be inequitable to limit an employee to the specified multipliers, and the employee must meet the following criteria:

- The permanent impairment rating is at least 10 percent;
- The authorized treating physician has certified that the employee is unable to return to his/her pre-injury employment; and,
- The employee is earning less than 70 percent of his/her pre-injury wages.

Permanent Total Disability

An employee who is unable to return to any job in the open market because he/she retains a permanent disability from a work injury might be entitled to permanent total disability benefits. This benefit continues the employee's compensation rate until the employee would become eligible for old age retirement under the Social Security Law. However, if the employee has suffered an injury that leaves the employee permanently and totally disabled, and the injury occurred within five years of becoming eligible for full Social Security retirement benefits, the employee is entitled to receive benefits for 260 weeks.

Doubtful and Disputed Settlements

If the parties dispute whether a claim is compensable or the amount of compensation due, the parties may settle the claim without regard to whether the employee is receiving substantially the benefits to which he/she is entitled, if the settlement is determined to be in the employee’s best interest.

Death Benefits

If an employee dies from a work injury, he/she is entitled to burial expenses up to \$7,500 for a death occurring before May 19, 2017. For injuries causing death on or after May 19, 2017, the deceased employee is entitled to burial expenses up to \$10,000. If the deceased employee leaves no dependents, a lump-sum amount of \$20,000 shall be paid to the estate. If the deceased employee leaves a surviving spouse and no dependents, 50 percent of the average weekly wage shall be paid subject to the maximum weekly benefit, 450 weeks.

Employee

Employee’s Attorney

Date: _____