

## **Explanation of Workers' Compensation Benefits**

### **Open Future Medical**

If your settlement agreement entitles you to open future medical treatment, then you have 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 to be traveled is greater than fifteen miles from the injured employee's home address or workplace address. Reimbursement shall be made on a per mile basis and paid at the prevailing state rate for mileage reimbursement.

### **Closed Future Medical**

If your settlement agreement closes out your right to future medical treatment, then Employer/Carrier shall no longer be responsible for any of your medical treatment. Should you need medical treatment after the date of the settlement agreement it will be your responsibility. There may be consequences, associated with closing out the right to future medical treatment, with respect to Medicare and TennCare benefits.

### **Temporary Partial Disability**

This benefit is available for a person whose work-related injury temporarily disables them from performing their regular job and causes them to earn a lesser wage. The benefit is 66 and 2/3 percent of the difference between their pre-injury wage and their post injury wage and cannot be less than the minimum, or more than the maximum, weekly benefit. It is payable until that person has reached their maximum medical improvement or for a period of 450 weeks, whichever is shorter.

### **Temporary Total Disability**

This benefit is available for a person whose work-related injury temporarily disables them from performing any job. The benefit is 66 and 2/3 percent of their pre-injury average weekly wages and cannot be less than the minimum, or more than the maximum, weekly benefit. It is payable until that person has reached their maximum medical improvement or is able to return 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.** Any Employee that sustains a work-related injury that results in the assignment of a permanent impairment rating is entitled to one (1) time their impairment rating (450 x impairment rating x compensation rate= settlement amount).

**The compensation period shall be determined by multiplying 450 weeks x the assigned impairment rating. This is the original award.**

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 Employee is not working and his/her loss of employment is due to voluntary resignation, retirement, or termination for misconduct, then he/she 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 Employee is entitled to an **additional benefit** of the original award multiplied by **1.35 (the resulting award)**, and he/she *may* be entitled to **additional increased benefits by multiplying the resulting award by the product of any of the following factors, if applicable.**

- If Employee lacks a high school diploma or GED, then Employee's resulting award is multiplied by **1.45**.
- If Employee was more than forty years of age, then Employee's resulting award is multiplied by **1.2**.
- If the unemployment rate in the county where Employee was employed by Employer at time of injury was at least two (2) percentage points greater than the year average unemployment rate in Tennessee for the year immediately prior to the expiration of the compensation period, then Employee's resulting award is multiplied by **1.3**.

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

In order 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 compensation period has expired.

If your case is tried, there is the potential for a Workers' Compensation Judge to award in excess of the specific multipliers listed above, up to but not exceeding two hundred and seventy-five (275) weeks of benefits. In order to do so, the Workers' Compensation Judge must make a determination that it would be inequitable to limit an employee to the specified multipliers, and the employee must meet the following criteria:

- The assigned permanent impairment rating is at least ten percent (10%);
- 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 seventy percent (70%) of his/her pre-injury wages.

**Permanent Total Disability**

A person unable to return to any job in the open market because they retain a permanent disability from a work related injury may be entitled to Permanent Total Disability benefits under the Workers’ Compensation Law. This benefit continues your compensation rate until you would become eligible for old age retirement under the social security law. However, if the employee has suffered an injury that renders 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 a period of two hundred and sixty (260) weeks.

**Doubtful and Disputed Settlements**

If there is a dispute between the parties as to whether a claim is compensable or as to the amount of compensation due, the parties may settle the matter 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 best interest of the employee.

**Death Benefits**

If an employee dies as a result of a work-related injury, he/she is entitled to burial expenses up to \$7,500.00 for deaths occurring prior to May 19, 2017. For death-resulting injuries occurring on or after May 19, 2017, he/she is entitled to burial expenses up to \$10,000. If an employee leaves no dependents, a lump sum amount of twenty thousand dollars (\$20,000.00) shall be paid to the estate of the deceased employee. If an employee leaves a surviving spouse and no dependent child, fifty percent (50%) of the average weekly wages shall be paid subject to the maximum weekly benefit (450 weeks).

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Employee

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Employee’s Attorney

Date: \_\_\_\_\_