

# 2019-2020 Georgia Workers' Compensation Summary

## Temporary Total Disability Benefits

	7/1/1997-6/30/1999	7/1/1999-6/30/2000	7/1/2000-6/30/2001	7/1/2001-6/30/2003	7/1/2003-6/30/2005	7/1/2005-6/30/2007	7/1/2007-6/30/2013	7/1/2013-6/30/2015	7/1/2015-6/30/2016	7/1/2016-6/30/2019	7/1/2019-6/30/2020
Max weekly benefit	\$325	\$350	\$375	\$400	\$425	\$450	\$500	\$525	\$550	\$575	<b>\$675</b>
Max weekly benefits <sup>2</sup>	400 weeks <sup>1</sup>										

## Temporary Partial Disability Benefits

	7/1/1997-6/30/1999	7/1/1999-6/30/2000	7/1/2000-6/30/2001	7/1/2001-6/30/2003	7/1/2003-6/30/2005	7/1/2005-6/30/2007	7/1/2007-6/30/2013	7/1/2013-6/30/2015	7/1/2015-6/30/2016	7/1/2016-6/30/2019	7/1/2019-6/30/2020
Max weekly benefit	\$216.67	\$233.33	\$250	\$268	\$284	\$300	\$334	\$350	\$367	\$383	<b>\$450</b>
Max weekly benefits <sup>2</sup>	350 weeks										

## Maximum Medical Benefit Cap<sup>3</sup>

	7/1/1997-6/30/1999	7/1/1999-6/30/2000	7/1/2000-6/30/2001	7/1/2001-6/30/2003	7/1/2003-6/30/2005	7/1/2005-6/30/2007	7/1/2007-6/30/2013	7/1/2013-6/30/2015	7/1/2015-6/30/2016	7/1/2016-6/30/2019	7/1/2019-6/30/2020
Non-catastrophic	lifetime						400 weeks				400 weeks+
Catastrophic	lifetime <sup>1</sup>										

## Permanent Partial Disability Benefits

	7/1/1997-6/30/1999	7/1/1999-6/30/2000	7/1/2000-6/30/2001	7/1/2001-6/30/2003	7/1/2003-6/30/2005	7/1/2005-6/30/2007	7/1/2007-6/30/2013	7/1/2013-6/30/2015	7/1/2015-6/30/2016	7/1/2016-6/30/2019	7/1/2019-6/30/2020
Max weekly benefit	\$325	\$350	\$375	\$400	\$425	\$450	\$500	\$525	\$550	\$575	<b>\$675</b>
Scheduled Injuries # of weeks (at100%)	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓

Body Part	Maximum Weeks	Body Part	Maximum Weeks
Arm	225	Ring finger	30
Leg	225	Little finger	25
Hand	160	Great toe	30
Foot	135	Any other toe	20
Thumb	60	Loss of hearing: one/both ears	75/150
Index finger	40	Loss of vision in one eye	150
Middle finger	35	Body as a whole	300

## Death Benefits to Dependents

	7/1/1997-6/30/1999	7/1/1999-6/30/2000	7/1/2000-6/30/2001	7/1/2001-6/30/2003	7/1/2003-6/30/2005	7/1/2005-6/30/2007	7/1/2007-6/30/2013	7/1/2013-6/30/2015	7/1/2015-6/30/2016	7/1/2016-6/30/2019	7/1/2019-6/30/2020
Max weekly benefit	\$325	\$350	\$375	\$400	\$425	\$450	\$500	\$525	\$550	\$575	<b>\$675</b>
Burial Expense	\$5,000	\$7,500									

1 For dates of accident prior to 7/1/1992, there is no cap on the number of benefit weeks. The weekly cap applies except to cases designated as "Catastrophic" which receive lifetime benefits. Catastrophic ("(g)(6)") claims with dates of accident after 7/1/2005 are subject to a new rebuttable presumption claim is no longer catastrophic upon eligibility for social security retirement benefits. There is another rebuttable presumption against catastrophic designation for first 130 weeks if there are work restrictions.

2 Period runs from the date of injury not the date of entitlement and it is weeks and not benefits paid.

3 Medical cap for non-catastrophic claims is 400 weeks for d/a 7/1/13 and after per O.C.G.A. §34-9-200(a)(2).

## Top 10 Basis to Deny a Claim (Use on WC-3 or WC-1 Section C)

1. No accident arising out of and in the course of employment
2. Intoxication or drugs/horseplay/willful misconduct (per O.C.G.A. §34-9-17)
3. Scheduled lunch or rest break
4. Deviation or detour/going and coming exception
5. Idiopathic condition
6. Independent contractor/no employment relationship
7. No coverage
8. Statute of limitations (see below)
9. Notice delayed more than 30 days
10. No compensable disability (usually "medical only" or work restrictions accommodated from onset)

## Top 10 Mistakes or Omissions Adjusters Make

1. WC-2 – failure to attach medical
2. WC-2 – failure to suspend with 10 day notice from date of actual filing of WC-2 (versus date sent or signed)
3. WC-3 – failure to send a copy to the claimant even if he or she is represented
4. WC-3 – failure to include listing of all known parties with an interest and provide copy to each
5. WC-104 – failure to file WC-104 as soon as first light duty release is received
6. WC-104 – failure to make sure light duty release is within 60 days of filing a valid WC-104
7. WC-240 – failure to send copy of WC-240A or job description to claimant/counsel at same time as submit to doctor (Rule 240)
8. WC-240 – failure to ensure job was approved within 60 days of 240 offer, and attach approved job description
9. TPD – failure to vary rate correctly/timely or to re-compute AWW after accident in a sliding 13-week increment (Rule 262)
10. Credits – failure to file WC-243 and take credit or reduction of TTD/TPD for unemployment compensation or other benefits

## Time Periods (O.C.G.A. § 34-9-220, 34-9-221)

- |  |                                   |
|--|-----------------------------------|
| 1. Notice to Employer  | 30 days                           |
| 2. Notice to State Board/Employer's First Report of Injury                     | 21 days                           |
| 3. Waiting Period  | 7 calendar days                   |
| 4. Waiting Period Recoverable After Disability                                 | 21 consecutive days               |
| 5. Initial Payment (due from date employer knowledge)                          | 21 days                           |
| 6. Penalty for failure to timely make initial payment                          | 15%                               |
| 7. Notice to Controvert from time of employer knowledge (before first payment) | 21 days                           |
| 8. PPD   | within 30 days of entitlement     |
| *obtain rating   |                                   |
| *pay benefits  | 21 days after knowledge of rating |
| 9. Penalty for failure to pay income benefits:                                 |                                   |
| *with award  | 20%                               |
| *without award   | 15%                               |
| 10. Time to Controvert:  |                                   |
| *from due date of first benefits payment                                       | 60 days                           |
| *based on newly discovered evidence/change in condition                        | anytime                           |

## Statute of Limitations and Other Time Limits

- |                             |  |
|-----------------------------|--|
| 1. Filing initial claim:    | 1 year (from date of injury or last medical treatment, unless statute is tolled) |
| 2. Change of condition:     | 2 years (from date of last payment of total or partial disability benefits)      |
| 3. Claims for PPD benefits: | 4 years (from the date of last payment of TTD or TPD payments, effective 7/1/90) |

## Refusal of Suitable Employment (O.C.G.A. § 34-9-240, Rule 240)

1. Automatic Suspension of Benefits (DOA after 7/1/94)
  - a. Send to employee (recommend certified mail):
    1. WC-240 (attach WC-240A or job description)
    2. Description of job, duties, hours, rate of pay
    3. Physician approval (within 60 days)
    4. Location, date, time of job commencement
  - b. File with Board after refusal:
    1. WC-240 and documents sent to employee
    2. WC-2; suspension of benefits

## Calculations

### Average Weekly Wage (O.C.G.A. § 34-9-260)

Use average of 13 week history of gross wages. If not available or not representative of "substantially the whole" of the typical wages, use a similarly situated employee's wages. If neither method is appropriate, multiply hourly rate by scheduled hours.

### Temporary Total Disability (O.C.G.A. § 34-9-261)

66 2/3% of the average weekly wage, not to exceed the maximum cap or 400 weeks from the date of accident for non-catastrophic claims – payable only if disability exceeds 7 days.

### Temporary Partial Disability (O.C.G.A. § 34-9-262)

66 2/3% of the difference between the average weekly wage before the injury and the amount claimant is able to earn after the injury. Not to exceed the maximum cap or 350 weeks from the date of accident. May use sliding 13 week AWW (Rule 262).

### Permanent Partial Disability (O.C.G.A. § 34-9-263)

66 2/3% of the average weekly wage multiplied by the averaged number of weeks (as a % of the chart on reverse), per the AMA guide, 5<sup>th</sup> edition.