

CARR ALLISON NOTES
Alabama Workers' Compensation Law Quick Sheet

Contact us at **205.822.2006** with specific questions or requests for additional information.

TEMPORARY TOTAL DISABILITY BENEFITS (TTD) (§ 25-5-57(a)(1); (§25-5-68))

Effective Date	7/1/14	7/1/15	7/1/16	7/1/17	7/1/18	7/1/19
1. Waiting Period*	3 Days	3 Days	3 Days	3 Days	3 Days	3 Days

*(Note: Except for scheduled injuries. Also, if TTD lasts longer than 21 days, waiting period must be paid after 21st day)

2. Maximum	\$794	\$813	\$832	\$843	\$865	\$892
3. Minimum	\$218	\$224	\$229	\$232	\$238	\$245
4. Maximum # Weeks	-----Unlimited-----					
5. Total Maximum	-----Unlimited-----					

TEMPORARY PARTIAL DISABILITY BENEFITS (TPD) (§ 25-5-57(a)(2))

- Maximum Weekly \$ -----Same as Temporary Total Above-----
- Maximum Duration -----300 Weeks-----

PERMANENT PARTIAL DISABILITY BENEFITS (PPD) (§ 25-5-57(a)(3))

- Maximum Weekly \$ -----\$220-----
- Maximum # Weeks for Unscheduled Injuries ----- 300-----

*(Note: 300 includes Temporary Total Disability Benefits paid as well; thus, if 299 weeks of Temporary Total Disability Benefits paid, only one week of PPD would be due.)

3. Number of Weeks Payable for delineated scheduled members

<u>Member</u>	<u>Weeks</u>	<u>Member</u>	<u>Weeks</u>	<u>Member</u>	<u>Weeks</u>
Thumb	62	Big Toe	32	Eye & Hand	325
1 st Finger	43	Other Toes	11	Eye & Foot	300
2 nd Finger	31	Foot	139	2 Arms	400
3 rd Finger	22	Leg	200	2 Hands	400
4 th Finger	16	Eye	124	2 Legs	400
Hand	170	Eye & Leg	350	2 Feet	400
Arm	222	Eye & Arm	350	Hearing 1 ear	53
				Hearing 2 ears	163

Serious Disfigurement: If materially affects employability of injured person, 66 2/3 of average weekly earnings, but not exceeding 100 weeks. (Note: Most other "combined" scheduled member losses are 400 weeks.)

PERMANENT TOTAL DISABILITY BENEFITS (PTD) (§ 25-5-57(a)(4))

- May last for lifetime of employee (so long as employee remains totally disabled).
- Employer may file petition to set aside permanent total order upon changed conditions.
- Attorney's fees (but not compensation award) may be awarded in lump sum based upon employee's life expectancy and 6% present value discount.

DEATH BENEFITS (§ 25-5-60; § 25-5-67) Payable to Dependents or Estate

- | | | |
|--|---|--|
| • Burial Benefits for Injuries After 8/1/92 | – | \$3,000.00 |
| • Burial Expenses for deceased employee as of 7/1/14 | – | \$6,500.00 |
| • One Time Payment to Estate if no Dependents | – | \$7,500.00 |
| • One Dependent | – | 50% of AWW (500 weeks Max) |
| • Two or More Dependents | – | 66 2/3 of AWW Subject to weekly Max/Min(500 weeks Max) |

(Note: Benefits should be court approved and will ultimately be payable to the dependent or surviving parent for use and benefit of dependent. Wife is dependent until remarries. Child is dependent until marriage or age 18.)

MEDICAL BENEFITS (§ 25-5-77)

- Payable for life if authorized treating physician relates to work injury.
- Employer may designate first physician; Employee entitled to **Panel of Four** if dissatisfied with initial treating physician and further treatment required.
- Employer must pay for treatment and use facility recommended by authorized treating physician except for treatment determined “not medically necessary” through utilization review.

NOTICE (§ 25-5-78) STATUTE OF LIMITATIONS (§ 25-5-80)

- Actual Notice is sufficient although Code appears to require written notice. If no notice given within 90 days, claim is BARRED.
- STATUTE OF LIMITATIONS is TWO YEARS from the accident or two years from the date of last payment of COMPENSATION (not medical).
- OCCUPATIONAL DISEASE s/o/l runs from date of last exposure. This includes repetitive motion injuries, even if it is not the last date of employment.

MISCELLANEOUS

- MILEAGE REIMBURSEMENT is **58¢ per mile effective January 1, 2019**; 54.5¢ per mile effective January 1, 2018; 53.5¢ per mile after January 1, 2017; 54¢ per mile after January 1, 2016
- AWW is calculated based on a 52 week wage history. If unavailable, consider wages of similarly situated employee. Fringe benefits (only employer paid portion of health, life and disability premiums) are added to AWW if no longer being provided by employer.
- SUSPENSION of TTD Benefits permissible when employee reaches **Maximum Medical Improvement (MMI)**.
- SUBROGATION available for compensation and medical. Intervention in third-party lawsuit may be required.
- TRIALS/ADJUDICATION are through Court system not administrative law judges. Venue is in county where accident occurred or where Plaintiff resides if employer does business there.



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