

## **How Workers' Compensation works**

The insurer's liability (responsibility) is controlled by the workers' compensation law. The law provides that an insurer will pay only for

- TD Temporary Disability Pay and related costs for up to 104 weeks of payments for the time off work due to the work injury that is properly certified by a doctor
- PD Permanent Disability Indemnity based on the impairment identified by a qualified medical evaluator or treating doctor in a competent medical report
- FMC Future Medical Care costs for reasonable necessary medical treatment for the parts of the body injured on the job
- SJDB Supplemental Job Displacement Benefit provides a "voucher" for qualified retraining expenses if you cannot return to your usual and customary employment and if your employer does not offer alternate or modified employment at 85% of the wages you were earning at the time of your injury on the job.

There is no provision for pain and suffering in a Workers' Compensation case and the WCAB will not issue an award based on pain and suffering.

Insurers are allowed to investigate claims and to object to paying for any benefits they believe were not required because of the work injury. Insurers are not required to pay for treatment or disability due to events or circumstances that are not caused by the work injury.

The Workers' Compensation Appeals Board judge is the person who will decide what benefits are due when no agreement is reached between the insurer and an injured worker. The judge will rely primarily on business records to determine the earnings on which payment rates are based unless the parties can agree to the wages earned at the time of injury. The judge will rely on medical records and will not provide any medical opinion in place of a doctor's opinion to reach a determination about medical benefits or permanent disability.

It is important to collect the medical and other persuasive evidence in support of the claim in order to bring a dispute for determination by a WCAB Judge. It is the injured workers responsibility (burden of proof) to show what benefits should be provided under the law.