

WORKERS' COMPENSATION BENEFITS

Part 2 of the Brief Guide to Workers' Compensation for Injured Workers



Virginia Workers' Compensation Commission

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Injured Workers are entitled to receive payment of benefits for an "injury by accident" or an "occupational disease."

In order to be covered, an "accident" must:

1. Occur at work or during a work-related function.
2. Be caused by a specific work activity.
3. Happen suddenly at a specific time.

In order to be covered, an "occupational disease" must:

1. Be caused by the work.
2. Not be a disease of the back, neck, or spinal column.
3. Be supported by medical evidence showing the condition is a disease.

The next section provides a list of all benefits covered under the act and an explanation of each.

Wage Replacement (Temporary Total or Temporary Partial)

While the Injured Worker is temporarily unable to perform any work, he/she is entitled to 2/3 of his/her gross pre-injury average weekly wage.

If the Injured Worker cannot return to regular work and is given a light duty job earning a wage lower than his/her gross pre-injury wage, he/she is entitled to 2/3 of the difference between the pre-injury wage and the wage currently being earned.

The amount of these weekly benefits is limited pursuant to the minimum and maximum rates allowed by the Act.

Lifetime Medical Benefits

Medical expenses for conditions caused by the accident or occupational disease are payable for as long as necessary.

The Injured Worker must select a doctor from a panel of three physicians provided by the Employer/Claim Administrator. If a panel is not offered within a reasonable period after notice of the accident, the Injured Worker may seek treatment from any physician. The treating physician may

Lifetime Medical Benefits (cont.)

refer the Injured Worker to other doctors. Once treatment begins, the physician cannot be changed without approval of the Employer/Claim Administrator or after a hearing by the Commission. The Injured Worker must cooperate with medical treatment or the weekly benefits may be suspended.

The Injured Worker is entitled to reimbursement for out-of-pocket medical expenses (prescriptions) and reasonable medical mileage. All medical bills should be sent to the Claim Administrator for payment.

Permanent Partial Impairment

Separate benefits are payable for the permanent loss of use of a body part such as an arm, leg, finger, or eye. Vision and hearing loss, as well as disfigurement may also be compensated. This does not include the back, neck or body as a whole. Benefits are for a specific number of weeks depending on the percentage of loss. The Injured Worker can receive these benefits while working if maximum medical improvement has been reached. (*MMI means that the loss of use to a ratable body part is stable and will not decrease. It does not mean that the injured worker will not need future treatment.*)

Permanent and Total Disability

Lifetime wage benefits may be payable if an Injured Worker loses both hands, arms, feet, legs, eyes, or any two in the same accident, or is paralyzed or disabled from a severe brain injury.

Need Additional Information

For additional information or assistance from the Virginia Workers' Compensation Commission, please call our Customer Assistance Department at 1-877-664-2566

Death Benefits

In cases where the Injured Worker dies as a result of the accident, the surviving spouse and children, or certain other dependants, may be entitled to wage loss benefits and funeral expenses not to exceed \$10,000 and transportation costs of \$1,000.

You may also request the following pamphlets from the Commission:

- How to Protect Your Rights
- Vocational Rehabilitation Guidelines

Cost of Living Increases

Under certain circumstances a person receiving temporary total, permanent total or death benefits is entitled to cost of living increases effective October 1 of each year if the date of accident is prior to July 1 of that year. Cost of living increases must be specifically requested by the Injured Worker and the request must include signed documentation from the Social Security Administration.

Important Reminder

To be eligible for these benefits the Injured Worker must file a claim with the Virginia Workers' Compensation Commission (in addition to the Employer.)