

Workers' Compensation Disfigurement Benefits

Colorado law provides for a claimant to be paid benefits if a claimant has a scar or other disfigurement due to an industrial injury or occupational disease. Section 8-42-108, C.R.S. For an injury that occurred before July 1, 2007, a claimant is entitled to an award for disfigurement of up to \$2,000 if he or she has a serious and permanent scar or other disfigurement to the head, face or parts of the body normally exposed to public view. For an injury that occurred on or after July 1, 2007, a claimant is entitled to an award for disfigurement of up to \$4,000 if he or she has a serious and permanent scar or other disfigurement to the head, face or parts of the body normally exposed to the public view. "Permanent" usually means that the scar or disfigurement exists at least six months after the date of the injury or last surgery, or that a physician has determined that the claimant has reached maximum medical improvement. "Public view" means that the scar or disfigurement is visible when the claimant is wearing a swimsuit.

Recent changes to Colorado law now entitle a claimant to an award of up to \$8,000 if he or she has extensive facial scars or facial burns scars; extensive body scars or burn scars; or stumps due to loss or partial loss of limbs. Section 8-42-108(2), C.R.S.

If the claimant believes that an award for disfigurement is appropriate in his or her claim, and no further surgery is anticipated, the claimant should contact the insurer (or employer if there is no insurer) and request payment of disfigurement benefits. If the claimant and insurer are unable to agree on the amount of the disfigurement benefit, the claimant may request that an Administrative Law Judge determine the amount of the disfigurement benefit. A party may have an Administrative Law Judge determine the amount of additional compensation due a claimant for disfigurement as follows:

A. By Photograph: A party may submit a Request for a Disfigurement award to the Office of Administrative Courts ("OAC"). A photograph or photographs clearly showing the disfigurement and the face of the claimant shall accompany the request. The claimant shall sign the back of the photographs and state the date the photograph was taken. The date the photograph was taken must be at least six months after the date of the injury or surgery, or after the date of maximum medical improvement. The signature of the claimant is the claimant's certification that the photograph accurately depicts the disfigurement on the date the photograph was taken. A copy of the request, and a copy of the photographs, shall be provided to all opposing parties. Any party may request reconsideration of a disfigurement award by photograph by filing, within twenty days of the date of the certificate of mailing of the disfigurement award, an Application for Hearings listing disfigurement as an issue. If such an application is filed, the disfigurement award will be withdrawn and vacated.

B. At a Hearing: A party may file an Application for Hearing with the Office of Administrative Courts listing disfigurement as an issue. If disfigurement is the only issue listed, the hearing shall be set 30 to 60 days after the date of the setting.

If you have any questions, please call the OAC at 303-866-2000.

**STATE OF COLORADO
OFFICE OF ADMINISTRATIVE COURTS**

633 17th Street, Suite 1300, Denver, CO 80202 Fax: (303)866-5909
1259 Lake Plaza Drive, Suite 210, Colo. Springs, CO 80906 Fax: (719) 576-2978
222 S. 6th Street, Suite 414, Grand Jct., CO 81501 Fax: (970)248-7341

Claimant,

vs.

Employer, and

Respondent.

▲ COURT USE ONLY ▲

WC NUMBER:

DATE OF INJURY:

APPLICATION FOR HEARING - DISFIGUREMENT ONLY (RULE 10, OACRP)

The claimant requests a determination of additional compensation for permanent disfigurement. Section 8-42-108, C.R.S. Disfigurement will be the only issue determined at the hearing and the claimant will be the only witness, unless a response is filed adding affirmative defenses and listing additional witnesses.

Check here to certify that you have attempted to resolve the issue of disfigurement with the respondent(s).
(Section 8-43-211(2)(e), C.R.S.)

The opposing party may file a response to this Application for Hearing - Disfigurement Only within 10 days of the mailing or delivery of this Application for Expedited Hearing.

The Office of Administrative Courts will set the matter for hearing and send a written Notice of Hearing to the parties.

D. **Signature:**

X

Signature

Street Address

Print/Type Name

City, State, Zip Code

Attorney Registration Number

Phone Number

Fax Number
(Optional)

E-Mail Address: (Failure to provide an e-mail address may
result in delay in receipt of any procedural or final order)

Date

Certificate of Mailing

I hereby certify that I mailed or delivered the original of the Application for Hearing and Notice to Set to:

Office of Administrative Courts
633 17th Street, Suite 1300
Denver, CO 80202

Office of Administrative Courts
1259 Lake Plaza Dr., Suite 210
Colorado Springs, CO 80906

Office of Administrative Courts
222 South 6th Street, Suite 414
Grand Junction, CO 81501

And copies to all parties at the addresses shown below: (A claimant must provide a copy to the employer and the insurer, or their attorney.)

Claimant/Respondent or their Representative: _____

Employer or their Representative: _____

Other: _____

Signature

Date Mailed

REV12/07