

Settling Your Claim

These are some of the rights and benefits you will be giving up by entering into this agreement.

You are entitled to hire an attorney to represent you and you may be able to find an attorney to review your claim or give you an opinion about settlement of it without charge.

This settlement may affect other benefits you are currently receiving or that you may be become entitled to receive in the future from sources other than workers' compensation, including but not limited to, Medicare benefits.



Temporary Total Disability



While you are off work and recovering from your injury you may be entitled to temporary total disability benefits.

- This is a weekly payment made to you, which is in the amount of two-thirds of your average weekly wage.
- This payment continues until you reach maximum medical improvement.



Temporary Partial Disability

If you are able to work in a limited capacity while recovering, you may be entitled to *temporary partial* disability benefits.

- . This is a weekly payment of two-thirds (2/3) of the amount of money you are losing on the job because of your injury.
- . This, too, ends at maximum medical improvement.

If you have any dispute over the amount of temporary benefits which you believe you should have received, by agreeing to this settlement you are giving up your right to have that dispute decided by a workers' compensation judge.



Maximum Medical Improvement

Maximum medical improvement means that you have recovered from your injury as much as you are going to. At that point, your doctor is supposed to give you an *impairment rating*.



Impairment Rating

An impairment rating is expressed as a percentage of impairment and can be as low as zero (0%) or no impairment.

If the impairment is higher than zero, then that percentage is used in a formula that results in money paid to you for your permanent impairment, which is also called permanent disability.

Permanent Impairment

The most you can receive for permanent impairment is \$162,869.28.

- Up to \$81,435.67 of these benefits can be awarded to you in a *lump sum*.



Few people have an impairment rating high enough to qualify for the maximum amount of permanent impairment benefits, but by entering into this settlement you are giving up your right to prove to a workers' compensation judge that you are entitled to a larger amount of permanent impairment.

Permanent Total Disability

In some cases a worker is injured so severely that there is no kind of employment that the worker can perform. If that is the case with you, you might be entitled to permanent total disability benefits.



Permanent total disability is a weekly payment in the amount of two-thirds of your weekly wage and it could continue for the rest of your life. There is no maximum amount and it could amount to thousands of dollars.



However, by entering into this settlement you are forever giving up your right to prove to a workers' compensation judge that you are permanently and totally disabled as the result of your injury.



Vocational Rehabilitation

The insurance company can, if it wishes, offer to re-train you for a new career. This is called vocational rehabilitation. This is usually only offered if the insurance company thinks that you may be able to prove that you are permanently and totally disabled.

- During a vocational rehabilitation program, you would not only receive money for re-training, but you would also be given money to live on during the re-training process.



However, by entering into this settlement you are giving up the right to receive vocational rehabilitation benefits for this injury.



Past and Future Medical Benefits

You may be entitled to have the past and future medical and hospital bills paid that result from this injury.

- By entering into this settlement, however, you are agreeing that if you have any kind of medical bills from this injury in the future, you will not be able to have them paid by the insurance company or by the employer.
- *You* will be responsible for them yourself. If your condition becomes worse or if you need additional surgery or treatment, you will be on your own paying for it.

Interest on Any Late Payments

If the insurance company or the employer did not pay your workers' compensation benefits on time, you might be entitled to interest on any late payments. However, by accepting this settlement, you are giving up any right you may have to that interest.



Disfigurement

If, as a result of your injury, you have a scar, a limp, or an amputation, you may be eligible for money for disfigurement. However, by settling your claim at this time you are giving up your right to any money for disfigurement.

Penalties

Sometimes an insurance company or employer handles your claim incorrectly and violates the law, the workers' compensation rules, or a judge's order. If that happens, you might be entitled to penalties against the insurance company or the employer.

- These penalties can amount to up to \$1,000 per day for every day the violation continued.

By entering into this settlement, however, you are giving up the right to prove you are entitled to payment of penalties based on how your claim was handled.

Reopening Your Case

Most workers' compensation claims do not end in a settlement. Instead, the doctor determines an impairment rating, the insurance company agrees to pay what the impairment rating is worth, and the case is closed. When this happens, you can still ask to reopen your case.



You can request to reopen your case:

- if your condition becomes worse or
- if a mistake was made



If your case is reopened, you could receive additional medical benefits, temporary disability benefits, and additional permanent impairment money.

If your condition becomes so bad that you could not perform any kind of work, then you could claim permanent total disability lifetime benefits.

Right to Reopen

However, by entering into this settlement you are giving up this right to reopen your case and can never receive additional money, benefits or medical treatment for this injury.



In Summary:

By entering into this settlement agreement, you are *forever* giving up your right to prove to a workers' compensation judge that you are entitled to *any* and *all* of the following:

- *Temporary Disability* benefits
- *Permanent Disability* benefits
 - including *Permanent Total Disability*
- *Interest* on any late payments
- *Penalties*
- *Disfigurement*
- *Vocational Rehabilitation*
- *Past and future Medical Benefits*
- *Right to Reopen* your claim