

# Permanent Disability 2005 - 2008

%	Weeks	2005			2006 & 2007 & 2008		
		PD	PD +15%	PD -15%	PD	PD +15%	PD -15%
1	3.00	660.00	660.00	561.00	690.00	690.00	586.50
2	6.00	1,320.00	1,320.00	1,122.00	1,380.00	1,380.00	1,173.00
3	9.00	1,980.00	1,994.14	1,683.00	2,070.00	2,084.79	1,759.50
4	12.00	2,640.00	2,753.14	2,244.00	2,760.00	2,878.29	2,346.00
5	15.00	3,300.00	3,512.14	2,805.00	3,450.00	3,671.79	2,932.50
6	18.00	3,960.00	4,271.14	3,366.00	4,140.00	4,465.29	3,519.00
7	21.00	4,620.00	5,030.14	3,927.00	4,830.00	5,258.79	4,105.50
8	24.00	5,280.00	5,789.14	4,488.00	5,520.00	6,052.29	4,692.00
9	27.00	5,940.00	6,548.14	5,049.00	6,210.00	6,845.79	5,278.50
10	30.25	6,655.00	7,370.39	5,656.75	6,957.50	7,705.41	5,913.88
11	34.25	7,535.00	8,382.39	6,404.75	7,877.50	8,763.41	6,695.88
12	38.25	8,415.00	9,394.39	7,152.75	8,797.50	9,821.41	7,477.88
13	42.25	9,295.00	10,406.39	7,900.75	9,717.50	10,879.41	8,259.88
14	46.25	10,175.00	11,418.39	8,648.75	10,637.50	11,937.41	9,041.88
15	50.50	11,110.00	12,493.64	9,443.50	11,615.00	13,061.54	9,872.75
16	55.50	12,210.00	13,758.64	10,378.50	12,765.00	14,384.04	10,850.25
17	60.50	13,310.00	15,023.64	11,313.50	13,915.00	15,706.54	11,827.75
18	65.50	14,410.00	16,288.64	12,248.50	15,065.00	17,029.04	12,805.25
19	70.50	15,510.00	17,553.64	13,183.50	16,215.00	18,351.54	13,782.75
20	75.50	16,610.00	18,818.64	14,118.50	17,365.00	19,674.04	14,760.25
21	80.50	17,710.00	20,083.64	15,053.50	18,515.00	20,996.54	15,737.75
22	85.50	18,810.00	21,348.64	15,988.50	19,665.00	22,319.04	16,715.25
23	90.50	19,910.00	22,613.64	16,923.50	20,815.00	23,641.54	17,692.75
24	95.50	21,010.00	23,878.64	17,858.50	21,965.00	24,964.04	18,670.25
25	100.75	22,165.00	25,206.89	18,840.25	23,172.50	26,352.66	19,696.63
26	106.75	23,485.00	26,724.89	19,962.25	24,552.50	27,939.66	20,869.63
27	112.75	24,805.00	28,242.89	21,084.25	25,932.50	29,526.66	22,042.63
28	118.75	26,125.00	29,760.89	22,206.25	27,312.50	31,113.66	23,215.63
29	124.75	27,445.00	31,278.89	23,328.25	28,692.50	32,700.66	24,388.63
30	131.00	28,820.00	32,860.14	24,497.00	30,130.00	34,353.79	25,610.50
31	138.00	30,360.00	34,631.14	25,806.00	31,740.00	36,205.29	26,979.00
32	145.00	31,900.00	36,402.14	27,115.00	33,350.00	38,056.79	28,347.50
33	152.00	33,440.00	38,173.14	28,424.00	34,960.00	39,908.29	29,716.00
34	159.00	34,980.00	39,944.14	29,733.00	36,570.00	41,759.79	31,084.50
35	166.00	36,520.00	41,715.14	31,042.00	38,180.00	43,611.29	32,453.00
36	173.00	38,060.00	43,486.14	32,351.00	39,790.00	45,462.79	33,821.50
37	180.00	39,600.00	45,257.14	33,660.00	41,400.00	47,314.29	35,190.00
38	187.00	41,140.00	47,028.14	34,969.00	43,010.00	49,165.79	36,558.50
39	194.00	42,680.00	48,799.14	36,278.00	44,620.00	51,017.29	37,927.00
40	201.00	44,220.00	50,570.14	37,587.00	46,230.00	52,868.79	39,295.50
41	208.00	45,760.00	52,341.14	38,896.00	47,840.00	54,720.29	40,664.00
42	215.00	47,300.00	54,112.14	40,205.00	49,450.00	56,571.79	42,032.50
43	222.00	48,840.00	55,883.14	41,514.00	51,060.00	58,423.29	43,401.00
44	229.00	50,380.00	57,654.14	42,823.00	52,670.00	60,274.79	44,769.50
45	236.00	51,920.00	59,425.14	44,132.00	54,280.00	62,126.29	46,138.00
46	243.00	53,460.00	61,196.14	45,441.00	55,890.00	63,977.79	47,506.50
47	250.00	55,000.00	62,967.14	46,750.00	57,500.00	65,829.29	48,875.00
48	257.00	56,540.00	64,738.14	48,059.00	59,110.00	67,680.79	50,243.50
49	264.00	58,080.00	66,509.14	49,368.00	60,720.00	69,532.29	51,612.00
50	271.25	59,675.00	68,343.39	50,723.75	62,387.50	71,449.91	53,029.38

**Med-Legal, Inc.**

# Permanent Disability 2005 - 2008

%	Weeks	2005			2006 & 2007 & 2008		
		PD	PD +15%	PD -15%	PD	PD +15%	PD -15%
51	279.25	61,435.00	70,367.39	52,219.75	64,227.50	73,565.91	54,593.38
52	287.25	63,195.00	72,391.39	53,715.75	66,067.50	75,681.91	56,157.38
53	295.25	64,955.00	74,415.39	55,211.75	67,907.50	77,797.91	57,721.38
54	303.25	66,715.00	76,439.39	56,707.75	69,747.50	79,913.91	59,285.38
55	311.25	68,475.00	78,463.39	58,203.75	71,587.50	82,029.91	60,849.38
56	319.25	70,235.00	80,487.39	59,699.75	73,427.50	84,145.91	62,413.38
57	327.25	71,995.00	82,511.39	61,195.75	75,267.50	86,261.91	63,977.38
58	335.25	73,755.00	84,535.39	62,691.75	77,107.50	88,377.91	65,541.38
59	343.25	75,515.00	86,559.39	64,187.75	78,947.50	90,493.91	67,105.38
60	351.25	77,275.00	88,583.39	65,683.75	80,787.50	92,609.91	68,669.38
61	359.25	79,035.00	90,607.39	67,179.75	82,627.50	94,725.91	70,233.38
62	367.25	80,795.00	92,631.39	68,675.75	84,467.50	96,841.91	71,797.38
63	375.25	82,555.00	94,655.39	70,171.75	86,307.50	98,957.91	73,361.38
64	383.25	84,315.00	96,679.39	71,667.75	88,147.50	101,073.91	74,925.38
65	391.25	86,075.00	98,703.39	73,163.75	89,987.50	103,189.91	76,489.38
66	399.25	87,835.00	100,727.39	74,659.75	91,827.50	105,305.91	78,053.38
67	407.25	89,595.00	102,751.39	76,155.75	93,667.50	107,421.91	79,617.38
68	415.25	91,355.00	104,775.39	77,651.75	95,507.50	109,537.91	81,181.38
69	423.25	93,115.00	106,799.39	79,147.75	97,347.50	111,653.91	82,745.38
70	433.25	116,977.50	134,176.98	99,430.88	116,977.50	134,176.98	99,430.88
71	449.25	121,297.50	139,144.98	103,102.88	121,297.50	139,144.98	103,102.88
72	465.25	125,617.50	144,112.98	106,774.88	125,617.50	144,112.98	106,774.88
73	481.25	129,937.50	149,080.98	110,446.88	129,937.50	149,080.98	110,446.88
74	497.25	134,257.50	154,048.98	114,118.88	134,257.50	154,048.98	114,118.88
75	513.25	138,577.50	159,016.98	117,790.88	138,577.50	159,016.98	117,790.88
76	529.25	142,897.50	163,984.98	121,462.88	142,897.50	163,984.98	121,462.88
77	545.25	147,217.50	168,952.98	125,134.88	147,217.50	168,952.98	125,134.88
78	561.25	151,537.50	173,920.98	128,806.88	151,537.50	173,920.98	128,806.88
79	577.25	155,857.50	178,888.98	132,478.88	155,857.50	178,888.98	132,478.88
80	593.25	160,177.50	183,856.98	136,150.88	160,177.50	183,856.98	136,150.88
81	609.25	164,497.50	188,824.98	139,822.88	164,497.50	188,824.98	139,822.88
82	625.25	168,817.50	193,792.98	143,494.88	168,817.50	193,792.98	143,494.88
83	641.25	173,137.50	198,760.98	147,166.88	173,137.50	198,760.98	147,166.88
84	657.25	177,457.50	203,728.98	150,838.88	177,457.50	203,728.98	150,838.88
85	673.25	181,777.50	208,696.98	154,510.88	181,777.50	208,696.98	154,510.88
86	689.25	186,097.50	213,664.98	158,182.88	186,097.50	213,664.98	158,182.88
87	705.25	190,417.50	218,632.98	161,854.88	190,417.50	218,632.98	161,854.88
88	721.25	194,737.50	223,600.98	165,526.88	194,737.50	223,600.98	165,526.88
89	737.25	199,057.50	228,568.98	169,198.88	199,057.50	228,568.98	169,198.88
90	753.25	203,377.50	233,536.98	172,870.88	203,377.50	233,536.98	172,870.88
91	769.25	207,697.50	238,504.98	176,542.88	207,697.50	238,504.98	176,542.88
92	785.25	212,017.50	243,472.98	180,214.88	212,017.50	243,472.98	180,214.88
93	801.25	216,337.50	248,440.98	183,886.88	216,337.50	248,440.98	183,886.88
94	817.25	220,657.50	253,408.98	187,558.88	220,657.50	253,408.98	187,558.88
95	833.25	224,977.50	258,376.98	191,230.88	224,977.50	258,376.98	191,230.88
96	849.25	229,297.50	263,344.98	194,902.88	229,297.50	263,344.98	194,902.88
97	865.25	233,617.50	268,312.98	198,574.88	233,617.50	268,312.98	198,574.88
98	881.25	237,937.50	273,280.98	202,246.88	237,937.50	273,280.98	202,246.88
99	897.25	242,257.50	278,248.98	205,918.88	242,257.50	278,248.98	205,918.88

## Permanent Disability 1996 - 2004

%	Weeks 96-03	PD 7/1/96 to 12/31/02	PD 2003	2004	
				Weeks 2004	PD 2004
1	3.00	420.00	555.00	4.00	800.00
2	6.00	840.00	1,110.00	8.00	1,600.00
3	9.00	1,260.00	1,665.00	12.00	2,400.00
4	12.00	1,680.00	2,220.00	16.00	3,200.00
5	15.00	2,100.00	2,775.00	20.00	4,000.00
6	18.00	2,520.00	3,330.00	24.00	4,800.00
7	21.00	2,940.00	3,885.00	28.00	5,600.00
8	24.00	3,360.00	4,440.00	32.00	6,400.00
9	27.00	3,780.00	4,995.00	36.00	7,200.00
10	30.25	4,235.00	5,596.25	40.25	8,050.00
11	34.25	4,795.00	6,336.25	45.25	9,050.00
12	38.25	5,355.00	7,076.25	50.25	10,050.00
13	42.25	5,915.00	7,816.25	55.25	11,050.00
14	46.25	6,475.00	8,556.25	60.25	12,050.00
15	50.25	8,040.00	9,296.25	65.25	13,050.00
16	54.25	8,680.00	10,036.25	70.25	14,050.00
17	58.25	9,320.00	10,776.25	75.25	15,050.00
18	62.25	9,960.00	11,516.25	80.25	16,050.00
19	66.25	10,600.00	12,256.25	85.25	17,050.00
20	70.50	11,280.00	13,042.50	90.25	18,050.00
21	75.50	12,080.00	13,967.50	95.25	19,050.00
22	80.50	12,880.00	14,892.50	100.25	20,050.00
23	85.50	13,680.00	15,817.50	105.25	21,050.00
24	90.50	14,480.00	16,742.50	110.25	22,050.00
25	95.75	16,277.50	17,713.75	115.50	23,100.00
26	101.75	17,297.50	18,823.75	121.50	24,300.00
27	107.75	18,317.50	19,933.75	127.50	25,500.00
28	113.75	19,337.50	21,043.75	133.50	26,700.00
29	119.75	20,357.50	22,153.75	139.50	27,900.00
30	126.00	21,420.00	23,310.00	145.75	29,150.00
31	133.00	22,610.00	24,605.00	152.75	30,550.00
32	140.00	23,800.00	25,900.00	159.75	31,950.00
33	147.00	24,990.00	27,195.00	166.75	33,350.00
34	154.00	26,180.00	28,490.00	173.75	34,750.00
35	161.00	27,370.00	29,785.00	180.75	36,150.00
36	168.00	28,560.00	31,080.00	187.75	37,550.00
37	175.00	29,750.00	32,375.00	194.75	38,950.00
38	182.00	30,940.00	33,670.00	201.75	40,350.00
39	189.00	32,130.00	34,965.00	208.75	41,750.00
40	196.00	33,320.00	36,260.00	215.75	43,150.00
41	203.00	34,510.00	37,555.00	222.75	44,550.00
42	210.00	35,700.00	38,850.00	229.75	45,950.00
43	217.00	36,890.00	40,145.00	236.75	47,350.00
44	224.00	38,080.00	41,440.00	243.75	48,750.00
45	231.00	39,270.00	42,735.00	250.75	50,150.00
46	238.00	40,460.00	44,030.00	257.75	51,550.00
47	245.00	41,650.00	45,325.00	264.75	52,950.00
48	252.00	42,840.00	46,620.00	271.75	54,350.00
49	259.00	44,030.00	47,915.00	278.75	55,750.00
50	266.25	45,262.50	49,256.25	286.00	57,200.00

%	Weeks 96-03	PD 7/1/96 to 12/31/02	PD 2003	2004	
				Weeks 2004	PD 2004
51	274.25	46,622.50	50,736.25	294.00	58,800.00
52	282.25	47,982.50	52,216.25	302.00	60,400.00
53	290.25	49,342.50	53,696.25	310.00	62,000.00
54	298.25	50,702.50	55,176.25	318.00	63,600.00
55	306.25	52,062.50	56,656.25	326.00	65,200.00
56	314.25	53,422.50	58,136.25	334.00	66,800.00
57	322.25	54,782.50	59,616.25	342.00	68,400.00
58	330.25	56,142.50	61,096.25	350.00	70,000.00
59	338.25	57,502.50	62,576.25	358.00	71,600.00
60	346.25	58,862.50	64,056.25	366.00	73,200.00
61	354.25	60,222.50	65,536.25	374.00	74,800.00
62	362.25	61,582.50	67,016.25	382.00	76,400.00
63	370.25	62,942.50	68,496.25	390.00	78,000.00
64	378.25	64,302.50	69,976.25	398.00	79,600.00
65	386.25	65,662.50	71,456.25	406.00	81,200.00
66	394.25	67,022.50	72,936.25	414.00	82,800.00
67	402.25	68,382.50	74,416.25	422.00	84,400.00
68	410.25	69,742.50	75,896.25	430.00	86,000.00
69	418.25	71,102.50	77,376.25	438.00	87,600.00
70	426.50	98,095.00	98,095.00	446.25	111,562.50
71	435.50	100,165.00	100,165.00	455.25	113,812.50
72	444.50	102,235.00	102,235.00	464.25	116,062.50
73	453.50	104,305.00	104,305.00	473.25	118,312.50
74	462.50	106,375.00	106,375.00	482.25	120,562.50
75	471.50	108,445.00	108,445.00	491.25	122,812.50
76	480.50	110,515.00	110,515.00	500.25	125,062.50
77	489.50	112,585.00	112,585.00	509.25	127,312.50
78	498.50	114,655.00	114,655.00	518.25	129,562.50
79	507.50	116,725.00	116,725.00	527.25	131,812.50
80	516.50	118,795.00	118,795.00	536.25	134,062.50
81	525.50	120,865.00	120,865.00	545.25	136,312.50
82	534.50	122,935.00	122,935.00	554.25	138,562.50
83	543.50	125,005.00	125,005.00	563.25	140,812.50
84	552.50	127,075.00	127,075.00	572.25	143,062.50
85	561.50	129,145.00	129,145.00	581.25	145,312.50
86	570.50	131,215.00	131,215.00	590.25	147,562.50
87	579.50	133,285.00	133,285.00	599.25	149,812.50
88	588.50	135,355.00	135,355.00	608.25	152,062.50
89	597.50	137,425.00	137,425.00	617.25	154,312.50
90	606.50	139,495.00	139,495.00	626.25	156,562.50
91	615.50	141,565.00	141,565.00	635.25	158,812.50
92	624.50	143,635.00	143,635.00	644.25	161,062.50
93	633.50	145,705.00	145,705.00	653.25	163,312.50
94	642.50	147,775.00	147,775.00	662.25	165,562.50
95	651.50	149,845.00	149,845.00	671.25	167,812.50
96	660.50	151,915.00	151,915.00	680.25	170,062.50
97	669.50	153,985.00	153,985.00	689.25	172,312.50
98	678.50	156,055.00	156,055.00	698.25	174,562.50
99	687.50	158,125.00	158,125.00	707.25	176,812.50

## Life Pension at Maximum Weekly Earnings

PD %	7/1/96	1/1/03	1/1/06
70	38.65	38.65	<b>77.31</b>
71	42.52	42.52	<b>85.04</b>
72	46.38	46.38	<b>92.77</b>
73	50.25	50.25	<b>100.50</b>
74	54.11	54.11	<b>108.23</b>
75	57.98	57.98	<b>115.96</b>
76	61.85	61.85	<b>123.69</b>
77	65.71	65.71	<b>131.42</b>
78	69.58	69.58	<b>139.15</b>
79	73.44	73.44	<b>146.88</b>
80	77.31	77.31	<b>154.61</b>
81	81.17	81.17	<b>162.34</b>
82	85.04	85.04	<b>170.08</b>
83	88.90	88.90	<b>177.81</b>
84	92.77	92.77	<b>185.54</b>
85	96.63	96.63	<b>193.27</b>
86	100.50	100.50	<b>201.00</b>
87	104.36	104.36	<b>208.73</b>
88	108.23	108.23	<b>216.46</b>
89	112.10	112.10	<b>224.19</b>
90	115.96	115.96	<b>231.92</b>
91	119.83	119.83	<b>239.65</b>
92	123.69	123.69	<b>247.38</b>
93	127.56	127.56	<b>255.11</b>
94	131.42	131.42	<b>262.84</b>
95	135.29	135.29	<b>270.57</b>
96	139.15	139.15	<b>278.31</b>
97	143.02	143.02	<b>286.04</b>
98	146.88	146.88	<b>293.77</b>
99	150.75	150.75	<b>301.50</b>

Date of Injury (on or after)	Weekly Earnings Maximum
7/1/96	257.69
1/1/03	257.69
1/1/06	515.38

- When the permanent disability is 70 % or greater and earning are maximum, life pension weekly payments are in the top table depending the percentage of disability. LC 4659 The life pension payments commence after payment of the maximum number of weeks of permanent disability. The formula is:  
*Life pension = (PD % - 60 ) x .015 x (Weekly Earnings within maximum, table immediately above)*
- “For injuries occurring on or after January 1, 2003, an employee who becomes entitled to receive a life pension or total permanent disability indemnity ... shall have that payment increased annually commencing on January 1, 2004, and each January 1 thereafter, by an amount ...” LC 4659(c) There is an issue as to whether the increases start at time of award or when life pension payments actually start.
- To adjust for the SAWW in cases where there has been a commutation of attorney’s fee from the life pension, the increase in rate should be based on the previous year’s rate before deduction for attorney’s fee.
- SAWW increases are not reflected in the above tables because life pension payments do not commence until permanent partial payments end. For a date of injury in 2003 with a permanent partial disability of 70% life pension payments would not start until 426.5 weeks after the permanent and stationary date. Payments would not begin until 8.17 years after the P&S date.
- Call Med-Legal, Inc. for commutation of life pension.

## Total Permanent Disability Weekly Payments

DOI in Year	Year in which payment is made	TTD Max for that Year	Weekly Payment in Year Paid <sup>2</sup>
2002	2002	490	490.00
2003	2003	602	602.00
	2004		602.00
	2005		613.89
	2006		638.49
	2007		670.16
	2008		696.51
2004	2004	728	728.00
	2005		742.38
	2006		772.13
	2007		810.42
	2008		842.29
2005	2005	840	840.00
	2006		873.67
	2007		917.00
	2008		953.05
2006	2006	840	840.00
	2007		881.66
	2008		916.33
2007	2007	881.66 <sup>1</sup>	881.66
	2008		916.33
2008	2008	916.33 <sup>1</sup>	916.33

1. For injuries occurring on or after 1/1/05 commencing 1/1/07 the limits are increased annually by percentage increase of State Average Weekly Wage (SAWW). LC §4453(a)(10) Sets the initial weekly payment.
2. For injuries occurring on or after January 1, 2003, an employee who becomes entitled to receive a life pension or total permanent disability indemnity ... shall have that payment increased annually commencing on January 1, 2004... LC 4659(c) Weekly payments increase every year commencing on 1/1/2004.  
[http://ows.doleta.gov/unemploy/content/data\\_stats/datasum07/1stqtr/DataSum\\_2007\\_1.pdf](http://ows.doleta.gov/unemploy/content/data_stats/datasum07/1stqtr/DataSum_2007_1.pdf).
3. If the permanent disability is total, the indemnity based upon the average weekly earnings determined under Section 4453 shall be paid during the remainder of life. LC 4659(b) The payment is not increased after two years based upon LC 4661.5 (current TTD rate after 2years).
4. Total permanent disability payments are not subject to +15% and -15%. LC 4658(d)(2) & (3), 4659(b), 4453
5. Attorney's fees are based upon the present value of the life pension.
6. Call Med-Legal, Inc. for commutation of life pension.

### Services by Med-Legal, Inc.

Service of Subpoena for witness to appear at trial or deposition  
 Subpoena and copy medical, employment, and claim records at site  
 Order and view records on secure web site  
 Search and summarize records  
 Records on searchable CD  
 Research employer and Service of Special Notice of Lawsuit  
 Service of 132a Petitions  
 Calculate commutation of PD, life pension and death benefits  
 Rating of medical reports under new schedule  
 Computer rating programs  
 Workers Compensation web site [www.getMedLegal.com](http://www.getMedLegal.com)  
 Publish tables and books: Quick Reference, Tables, and Directory  
 Convert to paperless and scan closed and open files into case programs.

## Death Benefits

Date of Injury (on or after)	Dependents		Benefit	Maximum
	Total	Partial		
1/1/84	1	0		70,000
	2 or more	NA		95,000
	1	1 or more	70,000 + 4 x annual support but not more than	95,000
	0	1 or more	4 x annual support but no more than	70,000
1/1/91	1	0		95,000
	2 or more	NA		115,000
	1	1 or more	95,000 + 4 x annual support but not more than	115,000
	0	1 or more	4 x annual support but not more than	95,000
7/1/94	1	0		115,000
	2	NA		135,000
	3 or more	NA		150,000
	1	1 or more	115,000 + 4 x annual support but not more than	125,000
	0	1 or more	4 x annual support but not more than	115,000
7/1/96	1	0		125,000
	2	NA		145,000
	3 or more	NA		160,000
	1	1 or more	125,000 + 4 x annual support but not more than	145,000
	0	1 or more	4 x annual support but not more than	125,000
1/1/06	1	0		250,000
	2	NA		290,000
	3 or more	NA		320,000
	1	1 or more	250,000 + 4 x annual support but not more than	290,000
	0	1 or more	8 x annual support but not more than	250,000

1. Death benefits LC 4702(a)
2. Maximum burial expense \$5,000. LC 4701
3. Death benefits are paid in payments at the same rate as temporary total disability unless otherwise ordered except the minimum payment is \$224.00 per week. LC 4702(b)
4. Temporary total disability maximum is increased yearly by SAWW. If the date of injury is in 2007 the payment rate is 2/3 AWW up to maximum of \$881.66. If the date of injury is in 2008 the maximum rate is \$916.33. LC 4453(a)(10) Payments below maximum and above \$224.00 are not increased yearly.
5. After two years from the date of death payments are increased to the temporary total disability rate currently in effect at the date of payment. LC 4661.5
6. Where there is one or more totally dependent minor children, payments shall continue after the benefit is paid until the youngest child attains the age of 18 or until the death of a child physically or mentally incapacitated from earnings. LC 4703.5
7. Dependents conclusively presumed wholly dependent:
  - (1) minor child or a child of any age found to be physically or mentally incapacitated from earning who was either living with deceased parent or the deceased parent is legally liable at the time of injury;
  - (2) Spouse earning less than \$30,000 in the preceding 12 months at time of death.
8. Where there are two or more total dependents there is no increase for partial dependents.
9. If there are no total dependents and one or more partial dependents, the partial dependents share in accordance with their relative extent of dependency.
10. Temporary or permanent disability payments, if any, stop at death. Accrued and unpaid compensation is paid to the dependents. Accrued disability compensation is in addition to death benefits if the employment injury contributed to or caused the death. LC 4700
11. The period within which to commence proceedings for the collection of death benefits is one year from death where death occurs within one year of DOI; or one year from date of last furnishing of any benefits or one year from death where death occurs more than one year from DOI. No such proceedings may be commenced more than 240 weeks from the date of injury. LC 5406 Exception is where surviving beneficiary lacked knowledge of industrial cause.
12. Death benefits can be commuted into a lump sum or paid at a great rate than the maximum. Defendant is entitled to a 3% per annum discount on commuted amounts without regard to the beneficiary's probability of death. LC 5101
13. No benefits are paid to the estate where there are no dependants under LC 4702(a)(6)(B). *Six Flags, Inc. v. WCAB 71 CCC 1759 (2006)*

## Commutation of Weeks of Permanent Disability

For DOI 2005 thru 2008. "Far end weeks" is calendar weeks of PD after 15% attorney fee is taken from the far end.

Rating	PV weeks	Far end weeks	Rating	PV weeks	Far end weeks	Rating	PV weeks	Far end weeks	Rating	PV weeks	Far end weeks
1	2.9955	2.55	26	103.5274	90.32	51	258.1354	234.44	76	457.0192	439.02
2	5.9864	5.10	27	109.1624	95.37	52	264.9456	241.07	77	468.8141	451.93
3	8.9717	7.65	28	114.7785	100.42	53	271.7249	247.69	78	480.5026	464.82
4	11.9525	10.19	29	120.3755	105.47	54	278.4737	254.31	79	492.0857	477.69
5	14.9277	12.74	30	126.1854	110.72	55	285.1918	260.92	80	503.5643	490.53
6	17.8984	15.29	31	132.6684	116.60	56	291.8796	267.52	81	514.9392	503.35
7	20.8635	17.83	32	139.1253	122.48	57	298.5371	274.12	82	526.2116	516.15
8	23.8241	20.38	33	145.5571	128.35	58	305.1646	280.72	83	537.3822	528.92
9	26.7791	22.92	34	151.9630	134.22	59	311.7622	287.31	84	548.4519	541.67
10	29.752	25.68	35	158.3440	140.08	60	318.3298	293.90	85	559.4219	554.40
11	33.9005	29.07	36	164.6992	145.94	61	324.8677	300.48	86	570.2928	567.10
12	37.8170	32.46	37	171.0298	151.80	62	331.3762	307.05	87	581.0657	579.78
13	41.7247	35.85	38	177.3349	157.66	63	337.8551	313.62	88	591.7414	592.43
14	45.6234	39.24	39	183.6155	163.51	64	344.3047	320.19	89	602.3208	605.06
15	49.7561	42.83	40	189.8707	169.35	65	350.7252	326.74	90	612.8046	617.67
16	54.6054	47.06	41	196.1017	175.19	66	357.1167	333.30	91	623.1938	630.25
17	59.4410	51.29	42	202.3075	181.03	67	363.4793	339.84	92	633.4894	642.81
18	64.2630	55.52	43	208.4893	186.87	68	369.8131	346.39	93	643.6920	655.34
19	69.0714	59.74	44	214.6461	192.70	69	376.1183	352.92	94	653.8026	667.85
20	73.8661	63.97	45	220.7790	198.53	70	383.9596	361.09	95	663.8219	680.34
21	78.6473	68.19	46	226.8872	204.35	71	396.4138	374.13	96	673.7508	692.80
22	83.4149	72.41	47	232.9717	210.17	72	408.7556	387.15	97	683.5902	705.23
23	88.1691	76.63	48	239.0316	215.98	73	420.9861	400.16	98	693.3408	717.64
24	92.9098	80.84	49	245.0680	221.79	74	433.1062	413.13	99	703.0034	730.02
25	97.8730	85.27	50	251.2943	227.81	75	445.1168	426.09			

Example: 30% PD at \$220 (from page 8) per week; Present Value = 126.1854 (from table) x 220 = \$27,760.79  
 Attorney fee of 15% of PV or \$4,164 reduces all payments uniformly to:  $220 - (4164 / 126.1854) = \$187.00$  or  
 if the fee is taken off the far end the total weeks are reduced from 131 (from page 1) to 110.72 (from above  
 table).

### Vocational Rehabilitation Voucher

If injured employee does not return to work within 60 days of termination of TD, injured employee shall be eligible for voucher. LC 4658.5 Voucher may be settled by C&R. Reg 10133.52

PD	Amount of voucher (up to)
1-14%	\$4,000
15-25%	\$6,000
26-49%	\$8,000
50-99%	\$10,000

### State Average Weekly Wage (SAWW) aka Cost Of Living Adjustment (COLA)

Year of payment	SAWW Applicable (Reported in prior year)	Percent Increase	Minimum weekly earnings for TTD (rate)	Maximum weekly earnings for TTD (rate)
2003	794.95	NA	189.00 (126.00)	903.00 (602.00)
2004	790.50	NA	189.00 (126.00)	1092.00 (728.00)
2005	806.11	1.97469	189.00 (126.00)	1260.00 (840.00)
2006	838.42	4.00813	189.00 (126.00)	1260.00 (840.00)
2007	880.00	4.95932	198.37 (132.25)	1322.49 (881.66)
2008	914.60	3.93181	206.17 (137.45)	1374.49 (916.33)

## Permanent Partial Disability Weekly Rate

Date of Injury (on or after)	Percentage Disability	Minimum		Maximum	
		Earnings	Rate	Earnings	Rate
1/1/84	1:0 - 99.75	105	70	210	<b>140</b>
1/1/91	1:0 - 24.75	105	70	210	<b>140</b>
	25:0 - 99.75	105	70	222	<b>148</b>
7/1/94	1:0 - 14.75	105	70	210	<b>140</b>
	15:0 - 24.75	105	70	222	<b>148</b>
	25:0 - 69.75	105	70	237	<b>158</b>
	70:0 - 99.75	105	70	252	<b>168</b>
7/1/95	1:0 - 14.75	105	70	210	<b>140</b>
	15:0 - 24.75	105	70	231	<b>154</b>
	25:0 - 69.75	105	70	246	<b>164</b>
	70:0 - 99.75	105	70	297	<b>198</b>
7/1/96	1:0 - 14.75	105	70	210	<b>140</b>
	15:0 - 24.75	105	70	240	<b>160</b>
	25:0 - 69.75	105	70	255	<b>170</b>
	70:0 - 99.75	105	70	345	<b>230</b>
1/1/03	1:0 - 69.75	150	100	277.50	<b>185</b>
	70:0 - 99.75	150	100	345	<b>230</b>
1/1/04	1:0 - 69.75	157.50	105	300	<b>200</b>
	70:0 - 99.75	157.50	105	375	<b>250</b>
1/1/05	1:0 - 69.75	157.50	105	330	<b>220</b>
	70:0 - 99.75	157.50	105	405	<b>270</b>
1/1/06	1:0 - 69.75	195	130	345	<b>230</b>
	70:0 - 99.75	195	130	405	<b>270</b>

1. PD is not increased by SAWW LC 4453(b)
2. Permanent disability weekly payments are paid at 2/3 of weekly earnings -- not to exceed the above maximum rate and must be at least the minimum rate.
3. Permanent disability weekly payments are paid for the number of week specified in the first table based upon the percentage rating.
4. For DOI on or after 1/1/05 the plus or minus 15% applies only where there are 50 or more employees. LC 4658(d) The 50-employee determination is made at the policy inception or renewal or the most recent self-insurance annual report that was in effect at the time of the injury. Reg 10002(a)

## Temporary Total Disability Minimum and Maximum Weekly Rate

Date of injury on or after 1/1/05

Payment in year	Weekly Earnings	Temporary Total Disability Payment (2/3 of weekly earnings)
2008	Minimum 206.17 Maximum 1374.49	Minimum 137.45 <b>Maximum 916.33</b>

1. Temporary disability payments are paid at 2/3 of the weekly earnings within the limits specified in the above table. LC §4653 For example if weekly earnings are \$1200 per week TTD payment is \$800.00.
2. For injuries occurring on or after 1/1/05 commencing 1/1/07 the limits are increased annually by percentage increase of State Average Weekly Wage (SAWW). Current limit is shown above. LC §4453(a)(10) [http://www.dir.ca.gov/dwc/dwc\\_newslines/2007/Newsline\\_66-07.html](http://www.dir.ca.gov/dwc/dwc_newslines/2007/Newsline_66-07.html)
3. Aggregate disability payments for a single injury occurring on or after 4/19/04 shall not extend for more than 104 compensable weeks within a period of two years from the date of commencement of TTD. Aggregate disability payments for a single injury occurring on or after 1/1/2008 shall not extend for more than 104 compensable weeks within a period of five years from the date of commencement of TTD. Certain acute or severe disabilities extend for 240 weeks. LC 4656
4. LC §4661.5 (i.e. payments made 2 years after DOI) has no effect for DOI after 1/1/05 but will for prior years.