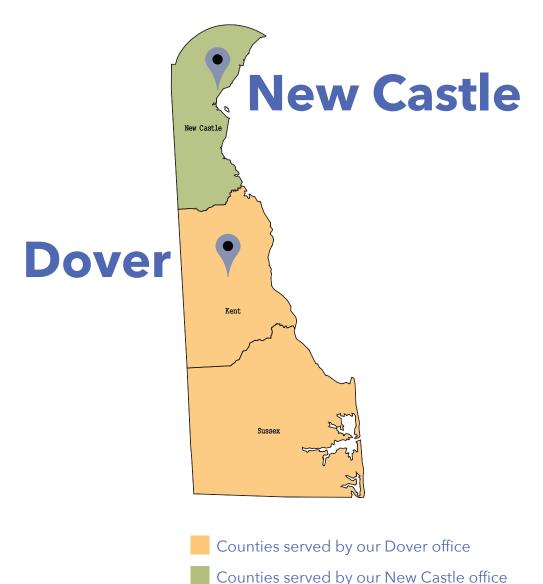


WORKERS' COMPENSATION GEOGRAPHICAL REFERENCE MAP DELAWARE



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DELAWARE BUREAU OF WORKERS' COMPENSATION CLAIMSBASIC BENEFITS AND KEY ISSUES AT A GLANCE

BASIC BENEFITS

- 1. Temporary Total Disability Benefits: Payable on the fourth day of incapacity. If disability extends beyond seven days, then benefits are payable back to day one. Compensation Rate is a percentage of the employee's average weekly wage, and each year the state sets a maximum and minimum rate. Current maximum rate is \$665.57 and the minimum rate is \$221.86. There is no set maximum period of time an individual can remain on total disability.
- Partial Disability Benefits: Payable when the employee sustains a partial loss of earnings due to the work injury. Partials are paid as two-thirds of the wage loss, and for a maximum of 300 weeks.
- 3. Permanency: Permanent injuries are assigned a maximum number of weeks of total disability benefits. The employee is then evaluated under the AMA Guides and assigned a percentage of impairment. That percentage is applied to the statutory maximum award for that body part, and the resultant figure is the employee's permanency award.
- 4. Medical: No controlled treatment. No panel providers.
 Reasonable and related medical expense are payable over the life of the claim. A finding that the employee is at MMI does not stop the obligation to pay for related treatment. There is a fee schedule, and a utilization review process.
- 5. Disfigurement: Available for permanent visible disfigurement. Not limited to the head, face and neck.

KEY ISSUES

- Commutation: The parties can resolve all, or a portion of a workers' compensation claim by entering into a commutation. The agreement must be reduced to writing and approved by the Industrial Accident Board.
- 2. Subrogation: The employer has a lien in the amount of benefits paid against the third party recovery by the employee. The lien recovery will be reduced by a pro rata share of fees and costs. Uninsured and underinsured motorist benefits are not subject to the lien, even if the employer paid for the policy.
- 3. (Termination) Petitions for Review: The employer can file a Petition for Review to Terminate Wage Loss Benefits when an employee is released to any level of work, even sedentary duty. There is no requirement to prove full recovery.
- 4. Benefits cannot be stopped unilaterally. There must be a signed agreement or Board order.
- The employer is not required to file an answer to a claim for benefits, and therefore there are no repercussions for a late answer.