

# Average Weekly Wage For Most Employees Owed Texas Workers' Compensation Benefits

By [@MatthewBLewis](#)

Texas workers' compensation benefits are calculated based upon the injured workers' average weekly wage, also known as AWW. It is important to make sure your average weekly wage is correct in order to maximize your benefits. Small variances in average weekly wage can add up to large amounts over the course of an entire claim. For example, a \$10.00 change in your benefit rate that is discovered after receiving 401 weeks of benefits could result in additional benefits of over \$4,000.00 before interest.

## The General Rule

The general rule is that a claimant's average weekly wage can be determined by adding up all of the wages the injured worker earned during the thirteen weeks before the date of injury and dividing that number by thirteen. This thirteen week average is your average weekly wage.

All monetary wages count in this calculation so long as they were paid during the thirteen weeks before the date of injury. This includes bonuses, commissions, vehicle allowances, dry cleaning, uniforms, [flight privileges](#), and lodging if provided by the employer. If an employer provides health insurance for the employee, the employer will often continue to pay the premium after the injury for awhile. Once the employer stops paying that premium, the amount that was being paid is then added into the average weekly wage. These premiums are often two or three hundred dollars a month, which can significantly increase your weekly benefit payments.

## Using Similar Employees' Wages

If you have not worked for the employer for at least thirteen weeks before the date you were injured, then the average weekly wage is to be based on a similar employee's earnings who has worked those thirteen weeks. Sometimes there is an issue over which employee is the similar employee. Similar employees are supposed to have similar training, experience, skills **and wages**. If you have twenty years experience with annual raises and the employer tries to use the wages of a six month employee who makes a beginner's wage, then you will want to object to the selection of the similar employee and request a benefit review conference on the issue.

## Fair, Just & Reasonable

If neither of these methods can be used to determine your average weekly wage, then the Division may use any method that it considers fair, just and reasonable to make a decision. This method is often used when there is no similar employee, or you lost wages during the thirteen weeks before your injury because of weather, sickness or other matters beyond your control. An example of this method would be taking the four weeks of earnings you had before your injury, adding them up and dividing by four instead of thirteen.

As you will see, average weekly wage is very important in a Texas workers' compensation claim. If you want to get paid correctly, then the AWW must be correct. Take the time to get it right.



Matt Lewis is a licensed Texas attorney, practicing primarily in North Texas, including the Dallas and Fort Worth Metroplex. Mr. Lewis is Board Certified in Workers' Compensation Law by the Texas Board of Legal Specialization. He has attained an AV Rating from Martindale-Hubbell, the highest ratings in both ability and ethics, and has been included in Texas Monthly's list of [Texas SuperLawyer's Rising Stars Edition](#) for 2009 through 2011.

Mr. Lewis writes the [Texas Workers' Comp Blog](#) for [www.dallasworkcomp.com](http://www.dallasworkcomp.com), and speaks around the state on workers' compensation issues. For more information, you may visit his firm site at [www.rogersbookerlewis.com](http://www.rogersbookerlewis.com). You can follow [@matthewblewis](#) on [Twitter](#).