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NORTH CAROLINA WORKERS' COMPENSATION LEGAL TERMS

Accepted claim: A claim in which the insurance company accepts that your injury or illness will be covered by workers' compensation.

Medical only claim: A claim in which the insurance company or employer accepts that you have suffered an injury, however, they believe that you are still capable of working and as such are only going to pay for medical treatment only.

Denied claim: A claim in which the insurance company or employer does not believe that they have a responsibility to provide compensation for your injury or illness was work related and therefore denies your claim.

Average Weekly Wage: The injured employee's average weekly salary prior to the injury. In order to determine the average weekly wage you must look to the 52 weeks of the injured's salary prior to the date of the accident. Generally you total the yearly salary then divide it by 52 weeks. If there are not 52 weeks then most of the time the insurance company or employer simply uses the average of those weeks that the injured employee worked prior to the date of the injury. (This may or may not be correct as it depends on what is fair and reasonable. For example: If you have only worked at the employer for less than three months then more likely than not this is an accurate picture of what your wage earning capacity would be for that position.)

Compensation Rate: The compensation rate is two-thirds of the injured employee's average weekly wage.

Temporary Total Disability: Weekly disability compensation provided to the injured employee for his/her inability to work. The disability payments are provided at the employee's compensation rate.

Temporary Partial Disability: Weekly disability compensation provided to the injured employee for his/her reduction in their average weekly wage due to the compensable injury. The disability payments are two-thirds the difference of the injured's pre-injury wages and those wages after the date of injury.

Permanent Partial Disability rating: The percentage amount assigned to a body part intended to determine the number of weeks the injured is entitled to for compensation for their injury. The permanent partial disability rating is assigned by the treating physician.

Maximal Medical Improvement (MMI): Once it is unlikely that the injured employee's condition will change or improve with or without further medical treatment, an MMI is determined. Maximum medical improvement is determined by the authorized treating physician. Usually when the injured employee reaches maximum medical improvement he/she is released from doctor's care.

Modified or Light-Duty Work: Temporary employment offered by the employer to the injured employee while they are on restrictive duty by the treating physician.

Suitable Employment: Once the employee reaches MMI, the law requires that the injured employee be returned to suitable employment. Suitable employment is marketplace, within the employee's physical, education, and vocational abilities. The employment also must be comparable in wages as to the injured's pre-injury position.

Vocational rehabilitation: If you are permanently unable to do your usual job, and your employer does not offer other suitable employment, you may qualify for this benefit. It may include job placement counseling, retraining and a vocational rehabilitation maintenance allowance.