

# Fact Sheet



## NOTICE REQUIREMENTS:

1. **Accident** – an injured employee **MUST** report his/her accident within ninety (90) days of occurrence. **BUT**:
  - a. If the employer doesn't have actual notice within fourteen (14) days of the accident, no compensation will be due until proper notice is given. N.J.S.A. 34:15-17
  - b. **Traumatic hernia** – N.J.S.A. 34:15-12(c)23 – if injury is a traumatic hernia; employee must report to employer within forty-eight (48) hours.
    - i. Saturdays, Sundays, and holidays are excluded from this period.
2. **Statute of Limitations**
  - a. Accident – Petitioner has two years to file his or her work- accident.
  - b. Occupational – Petitioner has two years from the date that he or she should have known that they had an occupational exposure.
  - c. Re-opener claims – Two years from the last permanency check or the date of settlement are commonly used. If the petitioner receives more treatment, two years from the last treatment received to re-open his or her claim



## BENEFITS:

- If out of work for more than seven (7) days, an employee may be eligible for temporary disability benefits.
  - Petitioners receive 70% of their average weekly wage (aww) while under authorized worker's compensation treatment if they are out of work for over one week.
    - 70% of the aww is calculated based on the amount of money the petitioner was making on the date of the accident.
    - Do an average of the last 26 weeks if the amount earned fluctuates
  - Awards are paid in temporary total disability, or or total disability
  - Death Benefits: N.J.S.A 34:15-13: The Workers' Compensation Statute also accounts for death benefits. In an accepted death claim, the weekly benefit would be 70% of the average weekly wage of the deceased worker divided among his or her dependents.
- Who is a dependent?
- Surviving spouse and natural children who lived with the deceased at the time of the accident.
  - Children between the ages of 18 and 23 who are in school full time.
  - Disabled children
  - Others must prove their dependency.
  - The death benefit also provides \$3,500 to cover funeral expenses.



## TREATMENT:

- Respondent controls treatment of the Petitioner in an **accepted** worker's compensation claim. N.J.S.A. 34:15-15.
- Respondent can provide treatment without prejudice.
  - In a denied claim, Petitioner will seek treatment on his or her own and will send treating records to Respondent at the end of treatment.
  - After the Petitioner is placed at **Maximum Medical Improvement**, the traditional method is to wait 26 weeks to set up permanency exams.
    - Permanency exams are set up by both Respondent doctors and Petitioner doctors and rate the level of permanency that Petitioner sustained from this accident.
    - If the accident is not severe (e.g. a sprain/strain) there is not much of a need to follow the "26 week rule."



## DISABILITY – PARTIAL TOTAL AND TOTAL:

- Petitioners may receive a permanency award for injury.
- Permanency is based on permanent partial total disability or total disability related to the functional loss of the injured body party.

There is a paper table and an online OSCAR calculator to determine an award.

- Example: A 2018 accident where the injured worker makes an Average Weekly Wage of \$700 and is found to have a right shoulder injury of 17.5% of partial total would have an award of \$26,709.
  - 105 weeks would correspond to the 17.5% of the right shoulder
  - Petitioner's perm. total rate would be \$254.37
  - $254.37 \times 105 = \$26,709$



## SUBROGATION – SECTION 40 LIENS:

- The New Jersey Workers' Compensation system bars double recovery. If a Petitioner has a third-party claim arising out of the worker's compensation claim (e.g. a liability case, or a car accident case), respondent is entitled to monies back
- Typically, Respondent will answer a claim asserting Section 40 Lien Rights.
- Statute of Limitations for a lien in 2 years- respondent must put third-party insurance company on notice of lien with a letter via registered mail; return receipt.
- Carrier generates lien letters periodically.

Temporary Total Disability Benefits (TTD), Perm Partial Disability benefits, Total Disability Benefits, and Max Death Benefits by year

| Year | TTD max | TTD Minimum |
|------|---------|-------------|
| 2011 | \$792   | \$211       |
| 2012 | \$810   | \$216       |
| 2013 | \$826   | \$220       |
| 2014 | \$843   | \$225       |
| 2015 | \$855   | \$228       |
| 2016 | \$871   | \$232       |
| 2017 | \$896   | \$234       |
| 2018 | \$903   | \$241       |
| 2019 | \$921   | \$248       |
| 2020 | \$945   | \$252       |
| 2021 | \$969   | \$258       |
| 2022 | \$1065  | \$284       |
| 2023 | \$1099  | \$293       |
| 2024 | \$1131  | \$302       |

| Year | Perm Partial Max | Perm Partial Min |
|------|------------------|------------------|
| 2011 | \$792            | \$35             |
| 2012 | \$810            | \$35             |
| 2013 | \$826            | \$35             |
| 2014 | \$843            | \$35             |
| 2015 | \$855            | \$35             |
| 2016 | \$871            | \$35             |
| 2017 | \$896            | \$35             |
| 2018 | \$903            | \$35             |
| 2019 | \$921            | \$35             |
| 2020 | \$945            | \$35             |
| 2021 | \$969            | \$35             |
| 2022 | \$1065           | \$35             |
| 2023 | \$1099           | \$35             |
| 2024 | \$1131           | \$35             |

| Year | Total Disability Max | Total Disability Min |
|------|----------------------|----------------------|
| 2011 | \$792                | \$211                |
| 2012 | \$810                | \$216                |
| 2013 | \$826                | \$220                |
| 2014 | \$843                | \$225                |
| 2015 | \$855                | \$228                |
| 2016 | \$871                | \$232                |
| 2017 | \$896                | \$234                |
| 2018 | \$903                | \$241                |
| 2019 | \$921                | \$248                |
| 2020 | \$945                | \$252                |
| 2021 | \$969                | \$258                |
| 2022 | \$1065               | \$284                |
| 2023 | \$1099               | \$293                |
| 2024 | \$1131               | \$302                |

| Year | Death Benefits max |
|------|--------------------|
| 2011 | \$792              |
| 2012 | \$810              |
| 2013 | \$826              |
| 2014 | \$843              |
| 2015 | \$855              |
| 2016 | \$871              |
| 2017 | \$896              |
| 2018 | \$903              |
| 2019 | \$921              |
| 2020 | \$945              |
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