

Workers' Disability Compensation



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Michigan Workers' Disability Compensation Act MCL 418.101-.941

- ❖ No-Fault System created in 1912
- ❖ WC Agency has sole jurisdiction
- ❖ Limits what an employee can recover

Types of Benefits

- ❖ Wage Loss Benefits
 - ❖ Average Weekly Wage
 - ❖ Comp Rate (80% of after tax average weekly wage)
- ❖ Medical Treatment
- ❖ Vocational Rehabilitation
- ❖ Survivor's Benefits

Work Related Injuries

❖ “arise out of and in the course of”

- ❖ To and From Work
- ❖ Parking Lots / Premises
- ❖ Traveling
- ❖ Social and Recreational Activities
- ❖ Idiopathic Falls

Causal Relationship

- ❖ Disability must be a result of a work injury or from the work activities.
 - ❖ Specific Injuries
 - ❖ Repeated Stress or “Last Day Worked” Injuries
 - ❖ work must contribute or aggravate condition
 - ❖ Occupational Diseases
 - ❖ caused by conditions peculiar to the business

Pre-existing Conditions

- ❖ Compensable if the underlying pathology is aggravated by employment to create a medically distinguishable condition.
 - ❖ *Rakestraw v. General Dynamics Land Sys*, 469 Mich 220 (2003)
- ❖ Some disabilities require showing that work contributed in ***significant manner***.

Disability Defined

- ❖ Legal Definition:

- ❖ *Wage loss as a result of inability to perform work within your qualifications and training that pays maximum wage.*

Proving Disability

- ❖ *Stokes v. Chrysler, LLC*, 481 Mich 266 (2008)
 - ❖ Vocational Expert is required
 - ❖ Must be a good faith attempt to find work.
- ❖ *Loflon v. Autozone, Inc*, 482 Mich 1005 (2008)
 - ❖ Partial Disability

2011 Amendments

- ❖ Codified *Stokes* defining “disability”
- ❖ Distinguishes between total and partial disability
- ❖ Employers control over medical care extended from 10 days to 28 days from the date of injury.
- ❖ Degenerative arthritis included in “significant manner”.

Time Limits

- ❖ Can make a claim **2 years** from:
 - ❖ the occurrence of the injury,
 - ❖ the date the disability manifests itself, or
 - ❖ last day of employment (not last day worked).

Need to Know

- ❖ Report and document injuries.
- ❖ Seek immediate medical treatment.
- ❖ Establish restrictions with the doctor as accommodated work may be available.
- ❖ Verify if a claim was reported to the carrier.
- ❖ Take pictures of the injury or scene.



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