

# District of Columbia Workers' Compensation Benefits Rate Card Instructions

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ATTORNEYS AT LAW

Our "D.C. rate cards" are designed to help people calculate monetary exposure in a given claim. It is important to note that maximum rates are established by calendar year, and benefits are paid based on the date of the injury, regardless of when time is lost.

The use of the card is best demonstrated by a hypothetical claim. Assume employee Joe Claimant sustained a compensable injury on February 14, 2017, and his average weekly wage (AWW) is \$540. The AWW is a crucial figure, as all benefit rates are a function of that figure. Generally the AWW is the employee's gross wages for the 26 weeks leading up to the date of injury.

Joe's "comp rate" for lost time (TTD) will be  $\frac{2}{3}$  of \$540, or \$360 per week, which he will receive "tax free." The same rate would apply to benefits for vocational rehabilitation or permanent partial disability. If his AWW were \$2,400, the rate would be \$1,467 rather than \$1,600, because the maximum for 2017 is \$1,467. Even though the minimum compensation rate for 2017 is \$366.86, the statutory minimum is not applicable to temporary or temporary partial disability. Therefore, you should pay TTD at  $\frac{2}{3}$  of Joe's AWW or at the rate of \$350 weekly. If Joe is determined to be permanently totally disabled, however, he would receive the statutory minimum of \$366.86, subject to annual adjustments based upon the supplemental allowance.

Turn to the back of the card for permanent partial disability (PPD) benefits. In D.C., PPD benefits are always paid at the TTD rate. Disability is in the form of either scheduled or non-scheduled members. Scheduled members are assigned a specified number of weeks. If Joe receives a scheduled award of 20% to the leg, and his AWW is \$540, he would receive \$15,120 ( $.20 \times 216$  weeks for a leg  $\times$  \$350).

If Joe's injury is to a non-scheduled member like the back, neck or head he will only receive PPD if he can show an actual wage loss. The comp rate in a non-scheduled PPD claim is  $\frac{2}{3}$  of the difference between the AWW and the wages in the post-injury employment.

Of course, the claimant can allege radiating pain from a non-scheduled member to a scheduled member, (i.e. back injury produces radiating pain into Joe's left leg). In these cases, the claimant may be eligible for either scheduled or non-scheduled PPD benefits.

If, at the time Joe has received 500 weeks of compensation, excluding PTD, Joe's disability exceeds 20% to the body, he may apply for up to an additional 167 weeks of benefits, provided that he does so within six months of his last compensation payment.

As always, if you need any additional information or assistance, regarding the use of the rate card or any other matter, do not hesitate to call upon us. Similarly, if you would like additional copies of the rate card, please let us know and we will be happy to provide them.

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