

# Delaware Workers' Compensation

## Rate Card Instructions

Our "Delaware rate cards" are designed to help people calculate dollars 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, treatment is received, or money is actually paid.

The use of the card is best demonstrated by a hypothetical claim. Assume employee Joe Claimant sustained a compensable injury on February 14, 2022, and his average weekly wage (AWW) is \$750. The AWW (generally the average of the employee's gross wages for the 26 weeks leading up to the date of injury) is a crucial figure, as all benefit rates (subject to the maximums) are a function of that figure.

Joe's "comp rate" (CR) for lost time will be  $\frac{2}{3}$  (66  $\frac{2}{3}$ %) of \$750, or \$500 per week, which he will receive "tax free." The same rate would apply to benefits for permanent partial disability (PPD) or permanent total disability. This rate is also used as the basis for temporary partial disability calculations. If his AWW were \$1,500, the rate would be \$679.63 rather than \$1,000, because the maximum in effect on the date of the injury (State AWW) is \$1,196.64. Similarly, if he worked part time and his AWW were low he could not get less than the State minimum, \$265.99 as of February 2022. An exception to this is when the AWW is less than the State minimum CR, and in that case the AWW is used as the CR. For example if his AWW was \$180, then his CR would also be \$180.

Turn to the back of the card for permanent partial disability (PPD) benefits. If Joe receives an award of 20% to the leg, he would receive \$25,000 (.20 x 250 weeks for a leg x \$500). If instead, Joe received an award of 15% for an injury to the lumbar spine, he would receive \$22,500 (.15 x 300 weeks, or 45 weeks, multiplied by the rate of \$500).

If Joe's AWW was greater than the maximum at the time of the injury his rate for PPD would be calculated based on when he reached maximum medical improvement (MMI), rather than at the time of the injury. As in the example above if his AWW is \$1500 he would be at the State maximum of \$797.97. Let's say he reached MMI for his back injury in July of 2022, when the maximum is \$797.97. Then his CR for PPD would be \$797.97.

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.