

Georgia Workers' Compensation Quick Reference

Courtesy of:
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Common Defenses to Compensability:

- Intoxication** - If proven that Claimant was intoxicated (drugs/alcohol) at time of accident, then intoxication presumed to cause injury. Burden is on Employer to prove intoxication.
- Willful Misconduct** - If Claimant is injured while attempting to intentionally injure himself or someone else.
- Statute of Limitations** - If claim is not brought or hearing held within proper time. (See section to the right).
- Idiopathic Fall** - If Claimant was injured due to personal medical condition or unexplained fall.
- Notice** - If Claimant did not notify any supervisor or manager within 30 days of the alleged injury. (Difficult to prove).
- Rycroft Defense** - If Claimant makes willful misrepresentation about preexisting condition, which employer relies up at time of hire, and there is a causal connection between the misrepresentation and the injury.

Summary of Benefits							
Effective Date	7/1/03	7/1/05	7/1/07	7/1/13	7/1/15	7/1/16	7/1/19
TTD	\$425	\$450	\$500	\$525	\$550	\$575	\$675
Min. TTD	\$42.50	\$45	\$50	\$50	\$50	\$50	\$50
TPD	\$284	\$300	\$334	\$350	\$367	\$383	\$450
Death	\$425	\$450	\$500	\$525	\$550	\$575	\$675
Burial Exp.	\$7500	\$7500	\$7500	\$7500	\$7500	\$7500	\$7500
Medical	Unlimited	Unlimited	Unlimited	400 weeks¹	400 weeks¹	400 weeks¹	400 weeks^{1,2}

- TTD and TPD rates are 2/3 the average weekly wage, up to the statutory maximum above.
- TTD maximum duration is 400 weeks from D/O/I
- TPD maximum duration is 350 weeks from D/O/I
- ¹No cap for number of weeks claimant can receive indemnity or medical benefits in catastrophic cases
- ²No cap for number of weeks claimant can receive medical benefits for maintenance of prosthetic, spinal cord stimulator or certain durable medical devices
- Death benefits capped at \$270,000 for spouse as sole dependent.

Mileage Reimbursement
 34-9-203(c)

- Payable at: \$.40/mile
- Must be paid within 15 days
- Must be submitted within one year of date of treatment or else it's waived.

Statute of Limitations/Time Limits

File Initial Claim with the Board.....1 year from DOI or med. treatment

Change in Condition.....2 years from last indemnity payment

Controvert once benefits started.....81 days after Emp. knowledge*

Initial Hearing on Compensability.....5 years from DOI (Post 7/1/07)

Catastrophic Designation
 34-9-200.1

Lifetime indemnity, medical and rehabilitation benefits if condition is met:

1. Injury prevents Claimant from performing work available in substantial numbers in the national economy
2. Amputation of arm, hand, leg or foot
3. Spinal cord injury
4. Brain or closed head injury
5. 2nd or 3rd degree burns to over 25% of the body
6. Total/industrial blindness

Payment of Compensation/Awards Time Limits

Payment of Award or Settlement.....20 days (instate check)

Payment of Award or Settlement.....17 days (out of state check)

Payment of Mileage Request.....15 days from receipt of request

Payment of Medical Bill.....30 days from receipt of bill

Waiting Period before first indemnity owed.....7 days of disability

Appellate Time Limits

Appeal to Appellate Division.....20 days from ALJ Award

Cross Appeal to Appellate Division.....30 days from ALJ Award

Appeal to Superior Court.....20 days from App. Div. Award

Appeal to Court of Appeals.....30 days from Superior. Ct. Award*

Appeal to GA Supreme Court.....10 days from Ct. of Appeals Award

PPD Benefits

Body Part	Max Weeks
Body as a Whole.....	300
Arm.....	225
Leg.....	225
Hand.....	160
Foot.....	135
Thumb.....	60
Index Finger.....	40
Mid Finger.....	35
Ring Finger.....	30
Little Finger.....	25
Big Toe.....	30
Other Toe.....	20
Hearing One Ear.....	75
Hearing Both Ears.....	150
Vision One Eye.....	150

- PPD is paid at TTD rate
- PPD can be paid out weekly rather than a lump sum
- Ex.: 10% PPD to Body as a Whole = 10% of 300 weeks = 30 weeks.

Hearing Loss PPD
 34-9-264(b)(1)

- Avg. of decibel loss at 500Hz, 1000Hz, 2,000Hz and 3,000Hz.
- Then 1.5% for every db loss greater than 25db.

Calculation of AWW

1. Avg. of 13 weeks immediately preceding injury if Claimant worked substantially the whole.
2. 13 weeks of similar employee.
3. Wage per hour multiplied by # of hours in work week.

If Claimant did not work substantially the whole, then:

***These provisions of Georgia workers' compensation law can be difficult to navigate. If you have any questions regarding this area of the law, please contact us.**

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When We Can Unilaterally Suspend Benefits:

Actual Return to Work at Pre-Injury Rate or Higher:

- File WC-2 suspending effective the date of actual return to work
- Commence payment of permanent partial disability if a rating has been given.
- If no PPD rating has been given, request from ATP

Release Without Restrictions from ATP (Without Actual Return)

- File WC-2 suspending benefits effective 10 days after date of WC-2.
- Continue to pay indemnity for this 10 day waiting period.
- Commence payment of permanent partial disability after 10 day waiting period if a rating has been given.
- If no PPD rating has been given, request from ATP.

Settlement of Claim:

- File WC-2 suspending benefits effective the date the settlement is approved by the Board

Release to Light Duty by the ATP:

- If Claimant is on benefits and accommodating work is available, see 240 Light Duty Job Offer section to the right.
- If light duty is not available, then make sure to utilize WC-104 so the Claimant can eventually be converted to TPD. →

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WC-240 Job Offer

§34-9-240

1. Only use WC-240 process if Claimant IS receiving indemnity benefits
2. Claimant must have been seen by ATP w/in 60 days of date of WC-240
3. Get light duty job description from employer
4. Send LD job description to OC and Claimant
5. Send LD job description to ATP for written approval
6. Complete WC-240, and attach signed LD job approval and ATP med note
7. Send WC-240 w/ attachments to OC and Claimant and give them 10 days' notice before start date
8. On RTW date **SUSPEND BENEFITS**, by completing WC-2, checking either box C2, C3, or C6 and
9. Attach WC-240 and it's attachments to WC-2
10. File WC-2 with SBWC and send copy to OC and Claimant.
11. **IF EMPLOYEE ATTEMPTS WORK FOR MORE THAN 8 HOURS, BUT STOPS IN LESS THAN 15 DAYS, THEN WE MUST RECOMMENCE**

Converting TTD to TPD using the WC-104

§34-9-104(a)(2)

1. DOI must be on or after 7/1/92
2. Claimant must be given light duty work restriction by ATP
3. Claimant and opposing counsel sent timely WC-104 (w/in 60 days from LD release with attached meds)
4. **MUST FILE** WC-104 with Board at time form is sent to Claimant/OC
5. Claimant on light duty for 52 consecutive weeks or 78 aggregate weeks
6. After 52 or 78 weeks, Claimant is still capable of light duty work, and
7. Claimant is still not working
8. Attach WC-104 and medical note to WC-2, and then file with Board
9. Benefits can be reduced to maximum applicable TPD rate
10. Maximum entitlement to indemnity reduced to 350 weeks from DOI

Posted Panel of Physicians

§34-9-201(b)(1)

Panel Requirements:

1. Six physicians, clinics, or groups
2. One orthopedic surgeon
3. Not more than two industrial clinics
4. One minority physician
5. Reasonably accessible to employee
6. Must be posted prior to injury to be valid
7. Must be posted in prominent location where employee has access

Panel Recommendations:

1. Always list more than six doctors
2. An ophthalmologist (eye doctor) is good seventh doctor to list on panel
3. Not all good doctors are good workers' compensation doctors
4. Have Claimant circle doctor choice on paper copy and sign.

We maintain a list of conservative workers' compensation doctors throughout the state. Please contact us for a recommendation.

General Controvert Language

"No injury arising out of or in the course and scope of employment and all other OCGA 34-9 defenses."

Important Board Forms and Responses

WC-1 – Employer First Report of Injury

- Insurer must file with Board within 21 days of employer's knowledge of disability. Can also be used to controvert claim.

WC-2 – Notice of Payment/Suspension of Benefits

- Insurer must file whenever benefits are started, stopped or changed. Applies to TTD, TPD or PPD.

WC-3 – Notice to Controvert

- Used to deny any subsequent issue after WC-1 already on file.

WC-4 – Case Progress Report

- File once a year in open cases and w/in 30 days of closure/settlement.

WC-6 – Wage Statement

- Must be filed when TTD/TPD less than max rate.

WC-14 – Notice of Claim/Hearing Request/Mediation Request

- **SEEK LEGAL COUNSEL IMMEDIATELY**

WC-25 – Application for Lump Sum/Advance Payment

- Response due in 15 days. Seek legal counsel if you wish to deny.

WC-100 – Request for Mediation

- **SEEK LEGAL COUNSEL IMMEDIATELY**

WC-102 – Request for Documents to Parties

- Response due within 30 days from date on form.

WC-102d – Motion/Objection to Motion

- Response due within 15 days from date on form. **Seek legal counsel immediately if you wish to object to motion.**

WC-104 – Notice to EE of Med. Release to work w/ restrictions

- Must be mailed to Claimant and OC when we first receive light duty restrictions from ATP and Claimant is on benefits. (See 104 section on left.)

WC-200a – Change of Physician/Add. Treat by Consent

- Should be filed with Board whenever we agree to change of physician. Including one-time panel change.

WC-200b – Request/Obj. for Change of Phys/Add Treat

- Response due within 15 days from date on form. **Seek legal counsel immediately if you wish to object to motion.**

WC-205 – Request Authorization of Med treat by Provider

- Response due 5 business days from receipt of form via fax or email. If denying request, complete WC-205 and return to sender, and then file WC-3 within 21 days from receipt of form.

WC-PMT -Petition to Show Cause for Authorization of Medical Care

- ALJ scheduled teleconference within 5 business days. **SEEK LEGAL COUNSEL IMMEDIATELY**

WC-240 – Notice to EE of Offer of Suitable Employment

- Must be used to offer LD job to Claimant on benefits. (See WC-240 section on this page.)

WC-R1CATEE – EE Request for Catastrophic Designation

- Response due within 15 days. **SEEK LEGAL COUNSEL**