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## A Quick Look at Georgia Workers' Compensation

### Benefits

7/1/2000	7/1/2001	7/1/2003	7/1/2005	7/1/2007	7/1/2013	7/1/2015	7/1/2016*
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*\*Years listed indicate legislative adjustments. Claims for injuries in intervening years use amounts from the last adjustment.*

#### Death Benefits

Total maximum benefit	\$125,000	\$125,000	\$125,000	\$125,000	\$150,000	\$150,000	\$220,000	\$230,000
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Burial expenses benefit: \$7,500

Dependents wholly dependent on decedent entitled to 100% of benefits

Partial benefit for dependents: Percent of maximum benefits determined by ratio of amount of support by decedent to his/her total AWW - Varies

#### Temporary Total Disability (TTD)

Max weekly benefit	\$375.00	\$400.00	\$425.00	\$450.00	\$500.00	\$525.00	\$550.00	\$575.00
Min weekly benefit	\$37.50	\$40.00	\$42.50	\$45.00	\$50.00	\$52.50	\$55.00	\$57.50

Percent of average weekly wage (AWW) - 13 weeks prior to accident: 66 2/3 %

Maximum TTD benefit duration is 400 weeks from date of injury. Catastrophic injuries have no maximum duration for benefit payment.

#### Temporary Partial Disability (TPD)

Max weekly benefit	\$250.00	\$268.00	\$284.00	\$300.00	\$334.00	\$350.00	\$367.00	\$383.00
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Percent of difference in wages after injury: 66 2/3%

Maximum duration from date of injury: 350 weeks

#### Permanent Partial Disability (PPD)

Number of weeks of benefit for specific member loss. Loss of more than one major member is rebuttable presumption of total disability.

Calculated PPD: PPI x # of weeks x TTD rate	Body as a whole: 300 weeks	Index finger: 40 weeks	Leg: 225 weeks
	Arm: 225 weeks	Middle finger: 35 weeks	Foot: 135 weeks
	Hand: 160 weeks	Ring finger: 30 weeks	Great toe: 30 weeks
	Thumb: 60 weeks	Little finger: 25 weeks	Other toe: 20 weeks

#### Mileage Reimbursement

Mileage after 12/1/2006 must be reimbursed at \$0.40 per mile.

Mileage must be reimbursed within **15 days** from the date the mileage charge is received. Late payments incur penalties.

#### Statute of Limitations for Appeals

Appeal to Three Member Board: 20 days from award  
Appeal to Superior Court: 20 days from award  
Appeal to Court of Appeals: 30 days from award

# A Quick Look at Georgia Workers' Compensation

## Payment of Compensation and Awards; Notice of Controvert; Penalties

- Average weekly wage (AWW): Average gross wages for 13 weeks prior to injury
- Initial income benefit payment must be w/in 21 days of notice
- Indemnity payments made weekly, unless otherwise authorized
- Penalty for failure to make initial payment timely: 15%
- Penalty for failure to pay income benefits under an award: 20%
- File Notice of Controvert w/in 21 days of notification of injury
- If TTD benefits commenced, may controvert w/in 60 days
- OK to controvert *anytime* based upon newly discovered evidence or change in condition

## Defense Checklist

### Consider these defenses when evaluating a claim:

- Willful misconduct (§ 34-9-17(a))
- Illegal drug/alcohol intoxication (§ 34-9-17(b))
- Misrepresentation on an application (§ 34-9-17)
- Fighting (§ 34-9-1)
- Willful failure or refusal to use safety appliance (§ 34-9-17)
- Did not "arise out of" employment (§ 34-9-1(4))
- Was not "in course of" employment (§ 34-9-1(4))
- Independent contractor (§ 34-9-2(e))
- Causation issues
- Failure to perform duty required by statute

## Posted Panel of Physicians Compliance

- A list of at least 6 physicians or professional associations reasonably accessible to employees
- At least one must be an orthopedic physician
- No more than two industrial clinics
- Physicians may come from the same medical practice
- One physician on the panel should be a minority physician

### Tips:

- Post the panel of physicians in a conspicuous place
- Include extra doctors on the panel so panel remains valid if a provider moves or stops practicing
- When an Employee chooses from the panel, print out a copy of the panel and have Employee sign and date next to his/her selected provider
- Contact the physicians on the panel every 6 months to ensure the contact information is up to date
- Get to know the physicians and clinics on the panel
- Make any changes necessary to keep the panel of physicians in compliance

## Jurisdictional Issues

### For injuries outside state of Georgia, Georgia law applies if:

- Contract of employment was made in Georgia
- Employer's place of business is Georgia, or
- Employee is a resident of Georgia
- Benefits may not exceed maximum allowed by Georgia law.