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LAW

WHAT BENEFITS ARE AVAILABLE IN A GEORGIA WORKERS' COMPENSATION CLAIM?

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Special Report

**What Benefits Are Available In A Georgia
Workers' Compensation Claim?**

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**What Benefits Are Available In A Georgia
Workers' Compensation Claim?**

Under Georgia workers' compensation laws, if you are injured on the job, there is a possibility that you have what is called a Georgia workers' compensation claim. There are many exceptions. Some of the first exceptions to mention would be if your employer does not have three or more employees, they are not subject to the Georgia Workers' Compensation Act. That means if you are working and there are three or less employees, your employer may not be subject to the Workers' Compensation Act but the employer can opt in and purchase workers' compensation coverage. If, as an employee, you are injured on the job, you should immediately contact your employer and notify them of your injury. There are obvious exceptions to this rule. An example would be being taken by ambulance to the hospital for emergency medical care. You should notify your employer and supervisor as soon as possible after your work accident.

Once you have notified your employer, you need to ask for immediate medical attention. We will discuss the importance of a posted panel of physicians later in this report. Upon obtaining a posted panel of physicians, you must choose a doctor that is listed. If there is no posted panel of physicians then you should seek medical attention at your primary care physician or one of the nearest doctors available to see and treat you for your work-related injuries. Upon being examined by a doctor, you may be referred to a specialist depending upon the type of injury you have sustained. After receiving medical treatment, it is important that you discuss with your doctor what your work status is. There are the work status designations of "out of work," "light duty work," or "full duty work." Out of work is exactly as it implies. It means the doctor is taking you completely out of work. Light duty work is where a doctor has put you back to work with certain limitations. Those will be based upon your examination with the doctor. And, of course, full duty work means as it implies - that the doctor has released you to go back to full duty work with no restrictions.

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If the doctor has taken you out of work completely you must contact and notify your employer immediately that you cannot return to work until the doctor says that you can return to work. You may be entitled to income benefits if you are taken out of work for more than seven days. We will discuss these income benefits later on in this report.

If the doctor has released you to light duty work with restrictions, it is important that you immediately contact your employer, let them know what your light duty restrictions are and verify that they have work that can accommodate your light duty restrictions. If they do not have light duty work at this time, you must advise them based upon your follow-up medical visit what your status is and keep checking with your employer to see if they have light duty work. If your employer does not have light duty work available, you may be entitled to income benefits. We will discuss this later in this report.

And, of course, if you've been released to full duty work you should return to work immediately the following day or the same day that you've been released to full duty work depending on the time of your appointment.

**What Benefits are You Entitled to Under Georgia
Workers' Compensation?**

Medical Benefits

Under Georgia law, as long as you are injured in the course and scope of your employment and are not an independent contractor, not under the influence of drugs or alcohol, you are entitled to medical benefits as it relates to your work-related injury. In other words, you are entitled to have your medical treatment paid for your work injuries. There are many specific exceptions and conditions to this rule but, in general, you are entitled to be treated for your work-related injury.

Income Benefits

Income benefits, also known as temporary total disability benefits, are referred to as weekly checks. These benefits can come available if a doctor takes you out of work for more than seven days. If you are seriously injured and are out of work for 21 consecutive days, you

are entitled to get the initial seven days of benefits paid as well.

Calculation of Income Benefits

In calculating the income benefits under Georgia workers' compensation law, it must first be determined if the employee has worked for at least 13 weeks prior to the date of injury. If the employee has worked for 13 weeks prior to the date of injury, then we take the 13 weeks prior to the injury, average the 13 weeks of pay out and that is what is called **average weekly wage**. From the average weekly wage we can calculate what is called the comp rate. We do this by taking your average weekly wage and taking two-thirds of your average weekly wage. As of the writing of this report, the maximum weekly rate of temporary total disability or income benefits is \$675.00. The maximum comp rate changes frequently so depending upon when you are injured will depend upon what the maximum comp rate is for your claim. Please note depending upon when you were injured, the max rate may be less for injuries. That is how you calculate what is called your comp rate and that rate will determine what your weekly income benefits will be, if you are taken out of work by a doctor.

Permanent Partial Disability/Permanent Impairment

The third and final benefit that you would be entitled to under workers' compensation is permanent partial disability benefits and/or permanent impairment benefits. This benefit is usually determined towards the end of your claim, and once a doctor has treated you and feels that they can offer you no further treatment, the doctor usually will determine you have reached a point of maximum medical improvement also known as "MMI" and they will release you from care or see you on a per needed basis. Once you have reached that point, a doctor will, based upon your medical condition, determine your impairment rating through the AMA Guidelines and determine what percentage of what body part is injured and permanently disabled. Based upon that impairment rating under Georgia workers' compensation, you can calculate your permanent partial disability benefit. This is easy to calculate, as you take your comp rate (see Income Benefit section), you multiply it times the body part (see attached WC-2) and you multiply that times the percentage of the impairment and that will give you the exact permanent partial disability benefits that you would be entitled to under Georgia law.

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Of course no report can replace a quick telephone conversation with a Georgia Workers' Compensation attorney so you can verify where you are at and what pitfalls to look out for moving forward. We do not take on every claim and understand that you may not be ready to hire an attorney, regardless, we can speak in a quick no pressure conversation where we will ask you questions specific to your claim. Then provide you based upon your responses what you need to look out for, what direction you need to go or if everything is great, we will tell you, you are in good shape. Text or call us at 912-233-1100 today and set up this Case Audit to help you sleep better at night knowing that you are in good shape.

NOT LEGAL ADVICE. This is to give you an understanding of your Georgia Workers' Compensation Claim and is not meant to be legal advice. If you have specific questions you should contact a Georgia Workers' Compensation Attorney.
