**Glossary**

**admissible evidence**

evidence that is allowed to be introduced at a workers’ compensation hearing.

**aggravation of pre-existing injury or disease**

an old injury, disease or medical condition that is worsened in a major or substantial way by work activities. Note that the original injury or disease that is worsened does not have to be work-related.  The aggravation of a pre-existing condition is treated as a new injury.

**average weekly wage (AWW)**

the average wage earned by an injured worker calculated on a weekly basis.  In most cases, the calculation is based on wages earned in the 12-month period preceding the date of injury.  In rarer cases the calculation is based on a shorter period of time depending on how long the injured worker was employed by the time of injury employer.  The AWW is used to determine the injured workers’ weekly workers’ compensation rate.

**burden of proof**

this refers to the duty or obligation of a party to a workers’ compensation case to offer evidence to prove or convince a Judge that his/her side of the case or argument is legally correct.

**causal connection**

this is the relationship that has to be established between a work injury and employment.

**Example:** “John’s medical records established there was a causal connection between his low back injury and the fall he had at work”.

**claimant**

an injured person who makes a claim for workers’ compensation benefits.

**Example**: “As a result of her injury the Claimant received total disability benefits and medical coverage”.

**compensation rate**

the amount of compensation benefits paid to an injured worker.  The compensation rate is based on the injured workers’ average weekly wage. In most instances, the compensation rate is 2/3 of the average weekly wage.  Low wage earners can receive up to 90% of their AWW.

**Compromise & Release (C&R)**

an agreement to resolve or otherwise settle outstanding issues in a workers’ compensation case.  In most instances, a lump sum of money is paid to an injured worker to compensate him/her for disability, loss of use or disfigurement.  In the overwhelming number of cases a C&R is a full and complete settlement of all claims, including future medical.  A C&R can be tailored made to fit the circumstances of each case.  A C&R is often referred to as a “settlement”.

**deposition**

out of court testimony given by a witness to be used in a workers’ compensation case.  Typically, the attorneys and a court reporter meet with the witness at the witness’s office, an attorney’s office or at the witness’s home.  This testimony is then transcribed by the court reporter and presented to the Workers’ Compensation Judge.  Depositions are used for the convenience of the witness or if the witness cannot appear before the Workers’ Compensation Judge in person.

**Example:** “Frank’s attorney took a deposition of his doctor because the doctor’s schedule was such that he could not testify at the time of his hearing”.

**disfigurement benefits**

benefits that are paid for scars of the head, neck or face that are permanent and unsightly.

**Example:** “Fred received disfigurement benefits because of a permanent and unsightly scar that was on his forehead as a result of a work injury”.

**give notice**

notify or inform of an event, accident, hearing, denial, etc.

**Example:** Mary gave notice of her injury to her employer as soon as it happened.

**hearing**

an informal proceeding where workers’ compensation disputes are resolved a hearing is presided over by a Workers’ Compensation Judge.  Typically, an injured worker, his/her attorney and an attorney representing the employer/workers’ compensation insurance carrier are in attendance at a hearing.  At the hearing both sides in the case are permitted to present evidence before the Workers’ Compensation Judge who ultimately decides the case.

**hearsay**

out of court statements being used to prove a fact.  To constitute hearsay, the out of court statement must be uttered by a person who is not present in the courtroom to be questioned.  As a general rule hearsay is not admissible but there are some exceptions.

**Example:** “At her hearing before a Workers’ Compensation Judge, Jane’s attorney tried to offer a statement of a co-worker to support her case.  Because the co-worker was not present at the hearing, the Workers’ Compensation Judge found the statement to constitute hearsay”.

**Independent Medical Exam (IME)**

an examination performed on a Claimant by a doctor chosen and paid for by the injured workers’ employer and/or workers’ compensation insurance carrier.  Usually these examinations are used to determine whether or not the Claimant is still disabled from his/her work injury.  Typically, they are brief (often lasting less than 30 minutes).  IME’s are independent evaluations used to determine the status of the Claimant’s work-related medical condition and not for treatment.

**insurance carrier**

the insurance company that provides workers’ compensation insurance to the employer.

**interlocutory order**

a non-appealable interim order.

**light duty work**

a job that is provided to an injured worker within his/her medical limitations.

**Example:** Helen’s employer offered her light duty work because her injury prevented her from doing her regular job.

**litigation**

the process of formerly arguing a case before a Workers’ Compensation Judge with the end result being a decision in the case.

**Example:** Jim’s claim for workers’ compensation benefits was placed into litigation by his attorney so that his eligibility for benefits could be decided by a Workers’ Compensation Judge.

**maximum compensation rate**

this is the maximum weekly compensation payment that an injured worker is eligible to receive.  The maximum compensation rate is 100% of the statewide AWW.  In 2016, the maximum compensation rate is $978.00.  To be eligible for the max comp rate, an injured worker would have to have an AWW of $1,467.00 a week or greater.

**mediation**

special administrative hearing often in connection with petitions that are pending before Workers’ Compensation Judges.  Mediations are handled by other Judges not associated with your case.  Mediations are designed to encourage a settlement of some or all of the issues pending before the Workers’ Compensation Judge assigned to your case.

**modification**

a change or amendment to a Claimant’s workers’ compensation benefits.

**Example:** Helen’s employer filed a petition seeking a modification of her workers’ compensation benefits.

**offset of benefits**

sometimes in a workers’ compensation case an injured worker is entitled to receive benefits from more than one source.  In certain instances, some benefits offset each other so that an injured worker is not receiving 100% of several different types of benefits.  Whether or not there is an offset depends on each individual case and the benefits received.

**Example:** John’s workers’ compensation benefits were offset as the result of a pension that he received from his employer.

**partial disability**

an injured worker returns to work at a lesser paying job or at his/her former job with less wages.  Partial disability benefits makeup some of the difference between the injured workers’ average weekly wage, pre-injury and current earnings.

**Example:** Jane returned to her former job and because she could not work overtime she was entitled to partial disability benefits as the result of her wage loss.

**petition**

when an injured employee, insurance carrier or employer disagree on the legitimacy of a claim or on compensation awarded in a given case the party with the disagreement may file a petition with the Bureau of Workers’ Compensation asking the Bureau to assign the case to a Workers’ Compensation Judge to determine the facts of the case and reach a conclusion followed by a ruling.  There are several types of petitions available in a workers’ compensation case, including but not limited to claim petitions, modification petitions, suspension petitions, termination petitions, and reinstatement petitions.

**petitioner**

the person or party filing a petition with the Bureau of Workers’ Compensation.

**pre-existing condition**

an injury, disease or medical condition that existed before the occurrence of a work-related injury.  It can be but does not have to be work-related.

**Example:** Frank’s arthritis was a pre-existing condition that was aggravated when he tripped and fell at work.

**repetitive trauma**

trauma that occurs over time from job duties that are repetitive in nature.

**Example:** John’s elbow became sore and inflamed as a result of constant pounding that resulted in repetitive trauma.

**responding party**

the person or party responding to or answering a petition filed with the Bureau of Workers’ Compensation.

**specific loss benefits**

benefits paid for the loss of vision, hearing, limbs or part of limbs for all practical intents and purposes.  It can be the result of amputation or loss of use.

**Statement of Wages**

a document used to determine an injured workers’ average weekly wage and corresponding compensation rate.  This document is typically completed by the injured workers’ employer based on reported past wage information.

**statue of limitations**

deadline or time limit on when a claim or other petition can be filed.

**supersedeas**

a procedure where an employer asks a Judge to suspend an employee’s workers’ compensation benefits in whole or in part while their case is litigated.

**supplemental agreement**

a form signed by an injured worker to suspend, modify or reinstate his/her workers’ compensation benefits.

**suspension**

to temporarily stop workers’ compensation benefits because the injured worker was able to return to work at no wage loss but is not fully recovered from the work injury.

**termination**

to stop workers’ compensation benefits.

**total disability**

when an injured worker is unable to perform his/her job which results in a total loss of earning power.

**TPD**

abbreviation for temporary partial disability.  These initials are typically found on checks or check stubs issued by the workers’ compensation insurance carrier.

**TTD**

abbreviation for temporary total disability.  These initials are typically found on checks or check stubs issued by the workers’ compensation insurance carrier.

**waiting period**

the seven (7) day period in which an injured worker must be absent from work because of a work-related disability before he/she can receive workers’ compensation disability benefits.  Benefits through the first day of disability are retroactive if the injured worker remains disabled through the fourteenth (14) day.