



**MOZLEY | FINLAYSON | LOGGINS**  
LLP

Georgia Workers' Compensation Overview  
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**34-9-261 Temporary Total Disability ("TTD")** 2/3ds of Average Weekly Wage ("AWW") up to maximum rates set out in chart below

**34-9-261 Note:** Limit 400 weeks (from date of accident) unless injury is deemed catastrophic for a date of accident after 7/1/92

**34-9-262 Temporary Partial Disability ("TPD")**

**34-9-262 Note:** 350 week limit on TPD due under 34-9-262

Benefit	07/01/15	07/01/13	07/01/07	07/01/06	7/01/05	7/01/03	7/01/01	7/01/00	7/01/99
TTD	550.00	525.00	500.00	450.00	450.00	425.00	400.00	375.00	350.00
TPD	367.00	350.00	334.00	300.00	300.00	284.00	268.00	250.00	233.33
DEATH	220,000.00	150,000.00	150,000.00	150,000.00	125,000.00	125,000.00	125,000.00	125,000.00	100,000.00
FUNERAL	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00

**34-9-263 PERMANENT PARTIAL DISABILITY ("PPD") (Impairment Rating)**

Based upon reading given by Authorized Treating Physician in accordance with AMA Guideline, 5th Edition.

Dollar value based upon formula:

Number of weeks shown in 34-9-263 x % rating = Number of weeks PPD is to be paid.

Number of weeks to be paid x TTD rate = Total PPD entitlement.

**Number of Maximum Weeks Per Body Part Loss:**

<u>Body Part</u>	<u>Maximum Weeks</u>	<u>Body Part</u>	<u>Maximum Weeks</u>
Arm	225	Little Finger	25
Leg	225	Great Toe	30
Hand	160	Any toe other than the great toe	20
Thumb	60	Loss of hearing, traumatic	
Index Finger	40	One ear	75
Middle Finger	35	Both ears	150
Ring Finger	30	Loss of vision of one eye	150
Foot	135	Disability to the body as a whole	300

**34-9-221 PAYMENT OF BENEFITS:**

- 1) **Initiation:** within 21 days of notice of injury
  - complete and file either WC-1 Section B or WC-2
  - payments thereafter in weekly installments
  - may, by agreement, pay by electronic funds transfer
- 2) **Penalties:**
  - 15% of past due if paying without Board Order
  - 20% of past due of amount specified by Board Order
- 3) **Suspension:**
  - A. Actual Return to Work ("RTW")
    - immediate, unilateral suspension
    - file WC-2
    - release by treating physicians
  - B. Normal Duty
    - pay 10 day notice, file WC-2 with copy of release attached served separately on claimant and attorney
  - C. Light Duty Release:
    - (1) actual RTW
      - suspend immediately
      - file WC-2
    - (2) no actual RTW
      - pre 7/1/92 injuries: no suspension without Court order; offer job in writing, file Motion to Suspend (WC-102g) and Request for Hearing
      - 7/1/92 to 7/1/94 injuries:
        - (i) serve WC-104 on claimant and file with Board. If no RTW within 52 weeks (rates in Rule 262 while continuously on light duty release), suspend TTD by WC-2; commence TPD at by WC-2
        - (ii) light duty job offer -if refused, file Motion to Suspend (WC-102g) and Request for Hearing (WC-14).
      - 7/1/94 -present injuries:
        - (i) file WC-104 advising of light duty. Same suspension provisions as above.

(ii) light duty job offer per O.C.G.A. 24-9-240

(a) Obtain approval of job description from treating physician within 60 days of last medical visit.

(b) Offer to claimant and attorney in writing by WC-240.

(c) If offer refused, file WC-2 suspending benefits along with a copy of WC-240. If offer accepted, immediately suspend by filing WC-2.

\*Note: Claimant must attempt the offered job for 8 cumulative hours or one scheduled workday whichever is greater. Claimant is allowed 15 working days to try job. If claimant ceases work before then, you MUST resume TTD by filing WC-2. Failure to do so means that you waive your defense that the job was suitable. You may request hearing if you think claimant unreasonably refusing. After 15 working days burden is on claimant to request a hearing.

**4) Controverting Entitlement:**

-within 21 days of notice by completing Section C of WC-1 or WC-3 if benefits paid less than 60 days

-after payment of benefits without award for more than 60 days (from due date of first income benefits, or 81 days from notice or more)

-File WC-3 suspending with showing of either change of condition or newly discovered evidence

**34-9-82 STATUTES OF LIMITATION:**

-No medical or income payments made: file WC-14 with Board within one year

-Payments made: file WC-14 with Board within one year from last remedial medicals provided or two years from last income benefits

**34-9-104 CHANGE OF CONDITION:** within two years from last TTD or TPD actually paid

\*Note: for pre 7/1/90 injuries, non-payment of TTD/TPD/PPD potentially due to the claimant will toll statute of limitations under Section 34-9-104

-PPD within four years from last TTD or TPD actually paid for post 7/1/92 injuries.

-Rule 104 conversion to TPD: file WC-104 within 60 days of light duty release if not catastrophic. Controvert to TPD after 52 consecutive or 78 aggregate weeks. Post injury AWW assumed to be zero. Therefore, pay TPD at maximum rate unless TTD rate is less than maximum. If actual TTD rate is less than TPD maximum, continue TTD rate but classify as TPD subject to 350 weekly limitation.

**34-9-265 DEATH BENEFITS:**

1) Dependency: (34-9-13)

i) If dependency is established for surviving spouse with minor children, or surviving minor children, pay TTD rate until:

(a) wife remarries or cohabitates a "meretricious" (romantic) relationship or 400 weeks or age 65 whichever occurs later; if children still dependent pay same TTD to children

(b) children over age of 18 years and not post-secondary study, or if post-secondary student until child is 22 years of age

(c) if spouse lived separately within 90 days of death, presumption is rebuttable

ii) Spouse as sole surviving dependent: same rule and stipulations as in 1(a), but to maximum rates as shown in chart above.

\*Note: If TTD has been paid prior to date, credit allowed against benefit maximums to be paid for last date related to injury. If death unrelated to injury, no further benefits.

2) Medical Expenses: From last illness related to injury paid per fee schedule

3) Funeral Expenses: Up to maximum rates as shown in chart on previous page

**34-9-11.1 SUBROGATION:** For Injuries Occurring After 7/1/92:

1) Is someone else at fault? If yes, No.2

2) Is company at fault employer or co-employee? If not, No.3

3) Notify third-party of lien and sue within two years of accident date

**34-9-100 AUTOMATIC DISMISSAL:**

Any claim not heard by Board within five years is automatically dismissed.

**34-9-200 LIMITATION ON MEDICAL:**

For all claims with a date of loss of July 1, 2013 and later, Employee's eligibility for medical treatment expires after 400 weeks from the date of loss, unless the claim has been designated as catastrophic.

**34-9-203 PAYMENT OF MEDICAL EXPENSES**

Pay within 30 days of receipt of medical bills (UB-92 forms properly completed; WC-20 no longer required) and all records to support those bills.

Once received, pay:

-Physician charges per CPT Codes in Fee Schedule.

-In-patient hospital charges per DRG Codes in Fee Schedule.

-Out-patient hospital charges at ICD-9-CM Code in Fee Schedule.

-Home attendant care (level of care must be specified by treating physician).

-Board Rule 205 -Controvert or authorize requested treatment within 30 days or treatment is deemed authorized.

-Must advise in writing why bills not paid, including need for additional information or defense to bill is waived.

-Penalties on medicals:

1) After 30 days - 10%

2) After 60 days - 20%

3) After 90 days - 20% penalty 12% per annum

Must pay mileage within 15 days after receipt of itemized written request.

**34-9-350 SUBSEQUENT INJURY TRUST FUND:**

1) The Subsequent Injury Trust Fund shall not reimburse a self-insured employer or an insurer for a subsequent injury for which a claim is made for an injury occurring after June 30, 2006. The Subsequent Injury Trust Fund shall continue to reimburse self-insured employers or insurers for claims for injuries occurring on and prior to June 30, 2006, which qualify for reimbursement. (34-9-368)

2) Self-insured employers and insurers shall continue to pay assessments pursuant to Code Section 34-9-358 to the extent necessary to fund claims for injuries occurring on and prior to June 20, 2006.

**34-9-15 SETTLEMENT (LIABILITY OR NO LIABILITY):**

-Using stipulated settlement pay settlement amount within 20 days (or face 20% penalty on either liability no-liability settlements)