

WISCONSIN



DWD

Claims that Never End: Permanent Total Disability and Barred Claims

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Topics

- What constitutes Permanent Total Disability (PTD)
- Medical support
- How PTD claims are paid
- Death while receiving PTD benefits
- Statute of limitations computation
- Claims with no statute of limitations



What Constitutes PTD

- Medical support
 - Unable to work
 - Date of determination
- Statutory PTD
 - Total impairment of both eyes
 - Loss of two extremities near the shoulder or hip, paraplegia
- Apportion if scheduled and unscheduled contributors



PTD Benefits

- Claimant
 - TTD rate based on wages for date of injury
 - Max wage presumption under 27 years old
 - Value of body as a whole is 1000 weeks
 - Benefits are lifelong, generally paid monthly



Supplemental Benefits

- Claims eligible for adjustment are six or more years old
 - PTD
 - Continuous TTD more than 24 months after date of injury



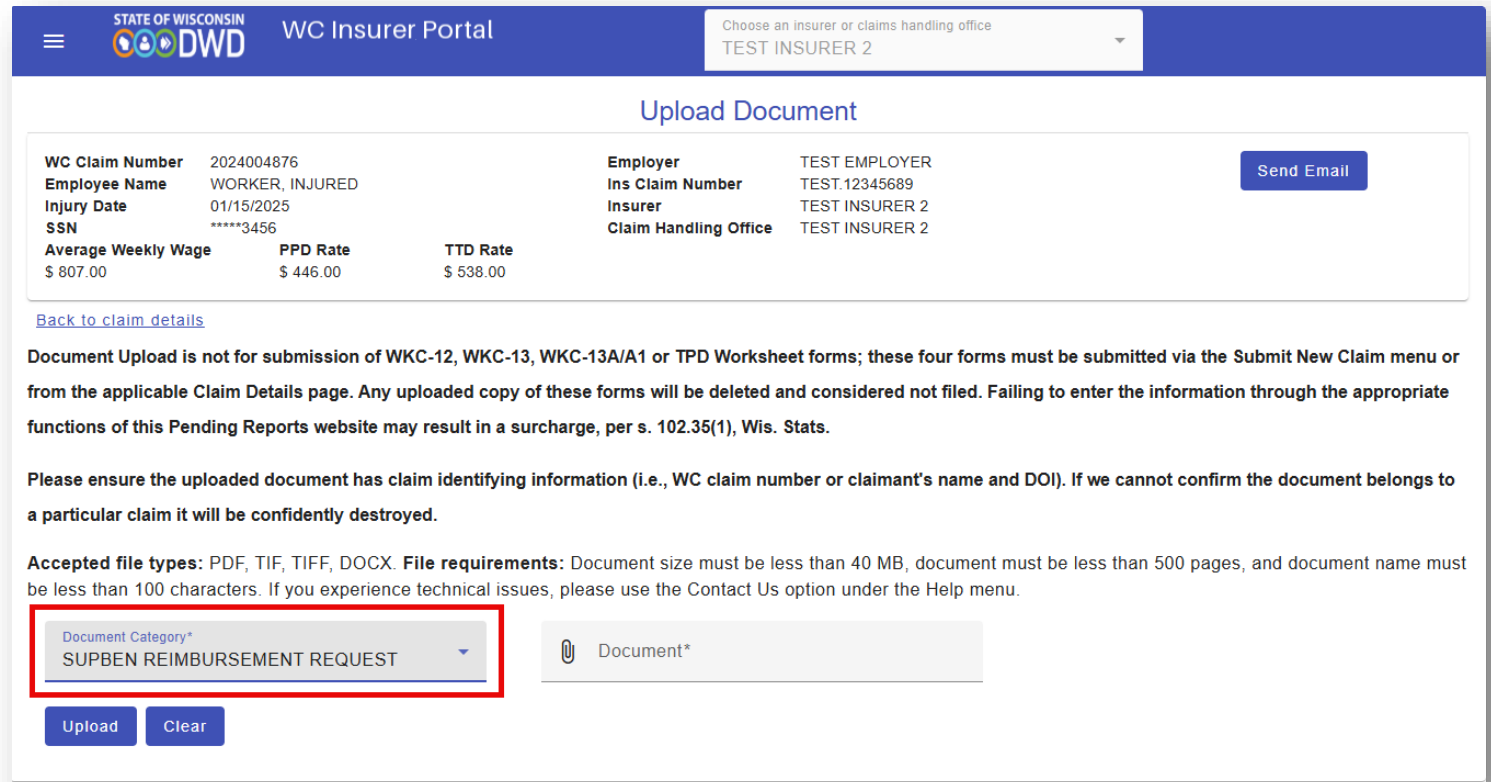
Supplemental Benefits

- $\% \text{ Max} = \text{PTD for injury date} \div \text{Max TTD rate for injury date}$
- $\% \text{ Max for injury date} \times \text{Max TTD rate for year lagging current date by six years (2020)}$
- $\text{Supp Ben } \$ = \text{Adjusted (2020) PTD rate} - \text{PTD for injury date}$
- $\text{New Payment Rate} = \text{PTD for injury date} + \text{Supp Ben } \$$
 - Annual adjustment
 - WCD will send letter with updated rate



Supplemental Benefit Reimbursement

- The state reimburses supplemental benefits if request is timely, submitted through portal, and funds are available.



STATE OF WISCONSIN DWD WC Insurer Portal

Choose an insurer or claims handling office
TEST INSURER 2

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WC Claim Number	2024004876	Employer	TEST EMPLOYER	Send Email
Employee Name	WORKER, INJURED	Ins Claim Number	TEST.12345689	
Injury Date	01/15/2025	Insurer	TEST INSURER 2	
SSN	*****3456	Claim Handling Office	TEST INSURER 2	
Average Weekly Wage	PPD Rate	TTD Rate		
\$ 807.00	\$ 446.00	\$ 538.00		

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PTD Claimant Dies

- Related to injury
 - Funeral expenses per date of injury max
- Compensation paid through date of death
- Computations worksheet
- WCD letter indicating benefits that remain to be paid
 - Benefits due upon death cannot exceed benefits had claimant died on date of injury



PTD Benefits After Death

- Incomplete payments become death benefits
 - Dependents
 - Spouse
 - Children under 18 on date of death
 - If dependent receiving death benefit dies, pay estate
 - If no dependents, un-estranged parents get \$6,500
 - If no dependents, benefits paid to state fund



Barred Claims

- Statute of limitations based on date claimant last received payment of benefits
 - Additional six years for traumatic injuries
 - Additional 12 years for occupational injuries



Injuries with No Statute of Limitations

- Amputations proximal to the hand or foot
- Loss of vision
- Permanent brain injury
- Joint replacements for the shoulder, hip, or knee
- Artificial spinal disc
- Occupational hearing loss



Applying for Barred Claim Funding

- Standard hearing application
- Barred claim application
- WC insurance carrier denial letter
- Claims reviewed by Department of Justice
- Administrative Law Judge issues order



Barred Claims Fund

- Secondary payer of compensation and medical expenses
 - If claim is denied because statute of limitations has passed
 - Medicare or other applicable insurance payments incomplete
 - For injuries prior to April 1, 2006, with no statute of limitations, barred claims fund will take over payments
 - Amputations, Loss of vision, Brain injury, Joint replacements, Artificial spinal disc, Occupational hearing loss



Questions?

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