

Permanent and Temporary Disability Benefits: An Overview from a Workers' Compensation Attorney

There are differences between temporary disability and permanent disability status in workers' compensation cases. Attorney Craig A. Altman provides insight.



VINELAND, NJ, UNITED STATES, April 30, 2018 /EINPresswire.com/ -- Workers' compensation typically covers an injured worker's necessary and reasonable

medical treatment, prescriptions, and hospital services. Qualifying for disability benefits contains slight differences due to state laws. However, future benefits vary depending on the type and severity of injury sustained. There are differences between temporary disability status and permanent disability:

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Obtaining workers' comp benefits isn't easy. Although you are entitled to workers' compensation for your on-the-job injuries, insurance companies are known for fighting against a majority of claims.”

Craig A. Altman

Temporary partial disability benefits – A worker who is injured on the job in either Pennsylvania or New Jersey is typically entitled to receive compensation until they are able to return to their original work position. An independent doctor chosen by the employer or the employer's insurance company will usually make a determination about when the injured worker is healthy enough to return to work. If you are assigned a lower-paying job when you return to work, you are still eligible for benefits equivalent to two-thirds of the difference in pay.

Permanent partial disability benefits – A worker who is permanently disabled because of a work-related injury is

eligible for [workers' comp](#) benefits, with the amount depending on the extent of the injury and the individual's functional loss. In New Jersey, the area of the affected injury determines the level of benefits. In Pennsylvania, if a doctor determines that the worker is less than 50 percent impaired according to American Medical Association standards, the worker's injury will be classified as “partial disability.” PA law allows workers' to recover two-thirds of the difference in wages if they suffer a partial disability and are unable to perform the same job they had prior to the injury.

Temporary total disability benefits – If you are temporarily unable to work as a result of your injury, workers' compensation benefits are available for an extended period. A doctor will need to determine that you are at least 50 percent impaired as a result of your work-related injury. In New Jersey, workers receive 70 percent of their gross average weekly wage for up to 400 weeks, while PA law grants eligible workers two-thirds of their average weekly wage for up to 500 weeks if they suffer total disability. In both states, temporary total disability benefits are terminated when the worker is released

to return to work or when the worker has achieved maximum medical improvement.

Additionally, in Pennsylvania, an employer may require the worker to undergo a medical examination after 104 weeks to determine if the worker is still at least 50 percent impaired. If the 50 percent threshold is no longer met, the worker's status and benefits may be changed to partial disability.

Permanent total disability benefits – If you are unable to return to any kind of gainful employment, you may be eligible to receive weekly benefits for as long as you are considered totally disabled and unable to work. An attorney can help you determine whether you should receive these benefits in a lump sum or in weekly payments. There are pros and cons to accepting a lump sum payment, and an experienced workers' compensation lawyer can help you explore your options.

In New Jersey, permanent total disability is presumed when the worker loses a combination of certain body parts, including eyes, arms, hands, legs, and feet. In Pennsylvania, a doctor determines whether the worker is at least 50 percent impaired in accordance with American Medical Association standards.

Death benefits – If a worker dies due to an on-the-job injury, his or her dependents (typically a spouse and/or surviving children) may receive death benefits. In New Jersey, the death benefits are paid at a rate of 70 percent of the deceased worker's weekly wages, while PA workers' compensation death benefits are determined by the number of dependents. Additionally, dependents may be compensated for funeral expenses of up to \$3,500 in NJ and up to \$3,000 in PA.

Obtaining workers' comp benefits is rarely easy. Although you are entitled to workers' compensation for your on-the-job injuries, insurance companies are notorious for fighting vigorously against a majority of workers' compensation claims. You need an attorney on your side during the negotiation process because insurance companies often offer low settlements to unrepresented parties. The key to getting a fair settlement and accurate classification of your injury status is to hire [disability lawyers](#) who understand how insurance companies operate in workers' compensation cases.

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Craig A. Altman
The Law Offices of Craig A. Altman
(215) 569-4488
email us here

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