



Understanding Your Schedule Loss of Use Award



**Workers'
Compensation
Board**

NYS WORKERS' COMPENSATION BOARD

1 877 632-4996

www.WCB.NY.Gov

WHAT IS A SCHEDULE LOSS OF USE AWARD?

A Schedule Loss of Use award (known as an *SLU*) is an additional cash payment. It pays you for an injury that leaves you with less ability in a body part than you had before the injury. If you don't get back the same level of use in the injured body part, because you now have a permanent disability, you may be eligible for an *SLU* payment.

This award is made after you've healed from your work-related injury. The point when you're as well as will get is called *Maximum Medical Improvement*. If you reach this point with less use of a body part than you had before the incident, you may receive an *SLU* award.

You can receive this money even if you never missed time from work or if you've already returned to work.

WHO DESERVES A SCHEDULE LOSS OF USE AWARD?

You may deserve an award if one or more of these body parts doesn't fully heal to where it was before the injury.

- Arm
- Leg
- Hand
- Foot
- Face (Scar)/Neck/Scalp
- Toe
- Eye (Vision Loss)
- Ear (Hearing Loss)
- Finger

Body parts may also include the wrist, elbow, shoulder, ankle, knee, and hip. Permanent injury to a body part may include: fractures, amputations, surgeries, tears, dislocations, second and third degree burns, crush injuries and severe nerve damage.

HOW MUCH IS A SCHEDULE LOSS OF USE AWARD?

The law states how many benefit weeks you'll receive. It's based on the body part and how much it was damaged. You'll get a certain number of weeks of payment to make up for the permanent injury. For example:

1. **The law allows 312 weeks for an arm injury.**
2. **You lost 25% of the use of your arm.**
3. **25% of 312 weeks = 78 weeks.**
4. **You earn \$900 weekly. Two-thirds your average weekly wage (your workers' compensation rate) is \$600.**
5. **\$600 a week for 78 weeks = \$46,800 to you.**

HOW DO I GET A SCHEDULE LOSS OF USE AWARD?

A doctor's opinion is needed. Ask your doctor when you've reached maximum medical improvement. If your injury is permanent, your doctor will state how much less you can use that body part. It'll be a percentage: 25%, 50%, and so on. The doctor will file that opinion with the Board.

WHAT HAPPENS AFTER MY DOCTOR SUBMITS A REPORT?

Make sure your doctor sends a report to the Board. The Board reviews all medical reports. If your doctor and the insurer's doctor agree on the amount of loss you suffered, that becomes the number of weeks of payment you'll get.

If the Board gets only one medical opinion, it will write to you and the insurer, asking for the other. You have 60 days to get a report. The insurer has 90 days to get a report. If we don't get the other medical report from you in 60 days, or from the insurer in 90 days, the Board will decide based on the one medical report in your file. Be sure your doctor sends a report to the Board.

WHAT IF THE DOCTORS DISAGREE ON MY HEALTH?

If your doctor and the insurer's doctor disagree, the Board will decide. You may be asked for more documents, and you may have a hearing. (You'll receive a notice with the date, time and place of the hearing.) There, the judge will try to resolve the dispute or schedule a trial.

In either case the judge will render a decision. The insurer has 10 days to pay the award after the final decision.

HOW ARE AWARDS PAID?

If your award is worth more than the payments you already received for that injury, an SLU award is paid one of two ways.

1) You'll get your regular workers' compensation checks until the SLU award is fully paid, or

2) You can write to the Board and ask for the rest of the SLU payment in a lump sum. The Board will direct the insurer to pay you the rest of the money in one check.

SPEAKING UP FOR YOU:

THE ADVOCATE FOR INJURED WORKERS

The Advocate for Injured Workers helps injured workers get the benefits they deserve under the law. This office will help you with your case and can explain a schedule loss of use claim. When calling the Advocate, please have:

- Claimant's Name
- Claimant's Board Case Number
- Telephone Number, with Area Code
- Brief Description of the Issue
- Any Documents or Letters Received

To reach the Advocate, call [1-800-580-6665](tel:1-800-580-6665).

Here's What Will Happen

**INJURY TO
ELIGIBLE
BODY PART**

YOU SEE YOUR DOCTOR



**DOCTOR FINDS
YOU ARE AS WELL
AS YOU'LL GET**

YOUR
REPORT
FILED



**BOARD USES
MEDICAL
REPORTS TO
SET PAYMENT**

BOARD MAKES AWARD



**YOU RECEIVE
PAYMENT**

Maximum Possible Compensation

MEMBER LOST	WEEKS OF COMPENSATION
ARM	..... 312
LEG	..... 288
HAND	..... 244
FOOT	..... 205
EYE	..... 160
THUMB	..... 75
FIRST FINGER	..... 46
SECOND FINGER	..... 30
THIRD FINGER	..... 25
FOURTH FINGER	..... 15
GREAT TOE	..... 38
OTHER TOE	..... 16

QUESTIONS?

Call the NYS Workers' Compensation Board at [1-877-632-4996](tel:1-877-632-4996). We're available:

Monday - 8:30 AM to 4:30 PM

Tuesday, Wednesday - 8:30 AM to 6:00 PM

Thursday, Friday - 8:30 AM to 4:30 PM

www.WCB.NY.Gov

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