

# 2009 Annual Report

## New York State Workers' Compensation Board

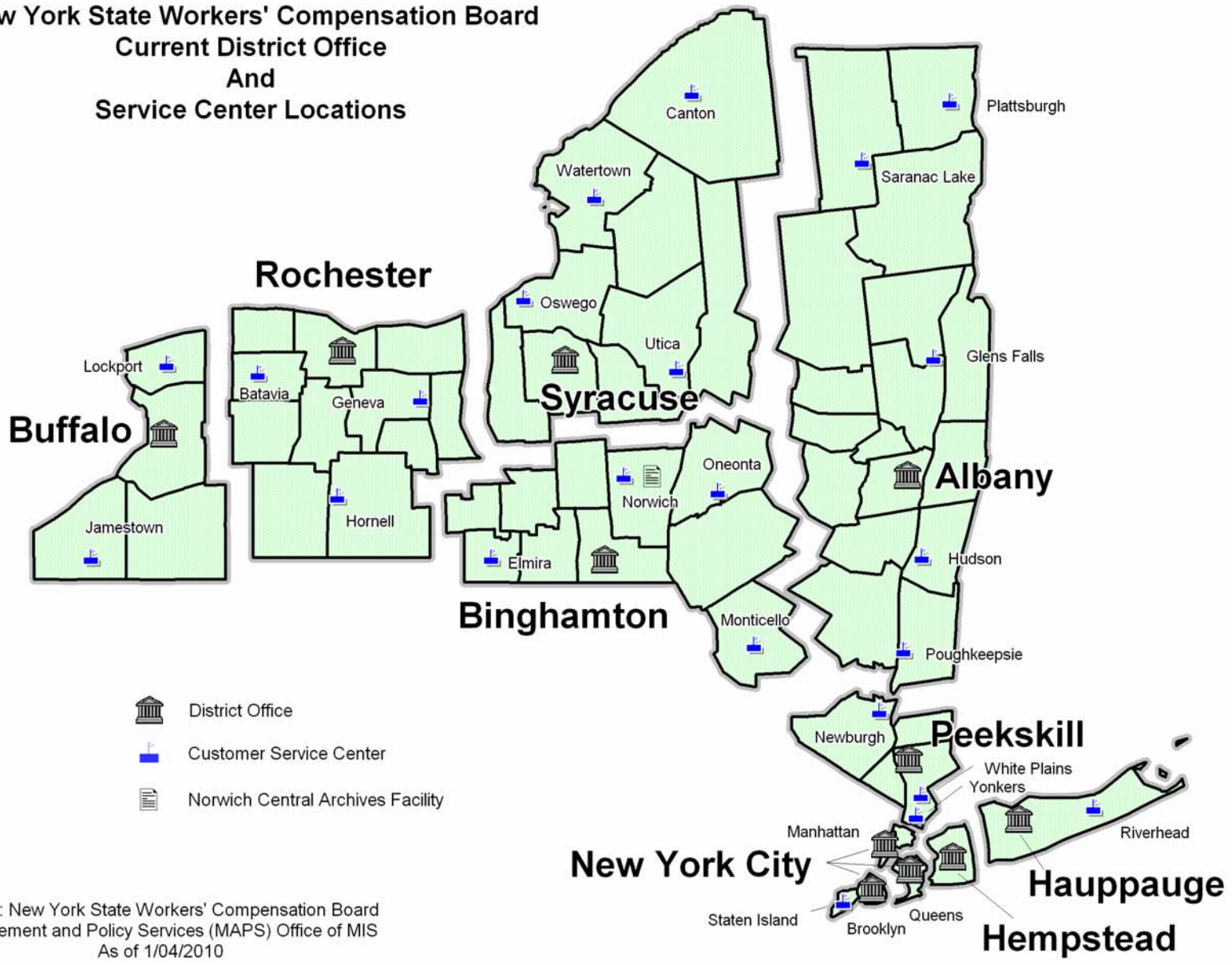


**David Patersen, Governor**  
**Robert E. Beloten, Chair**

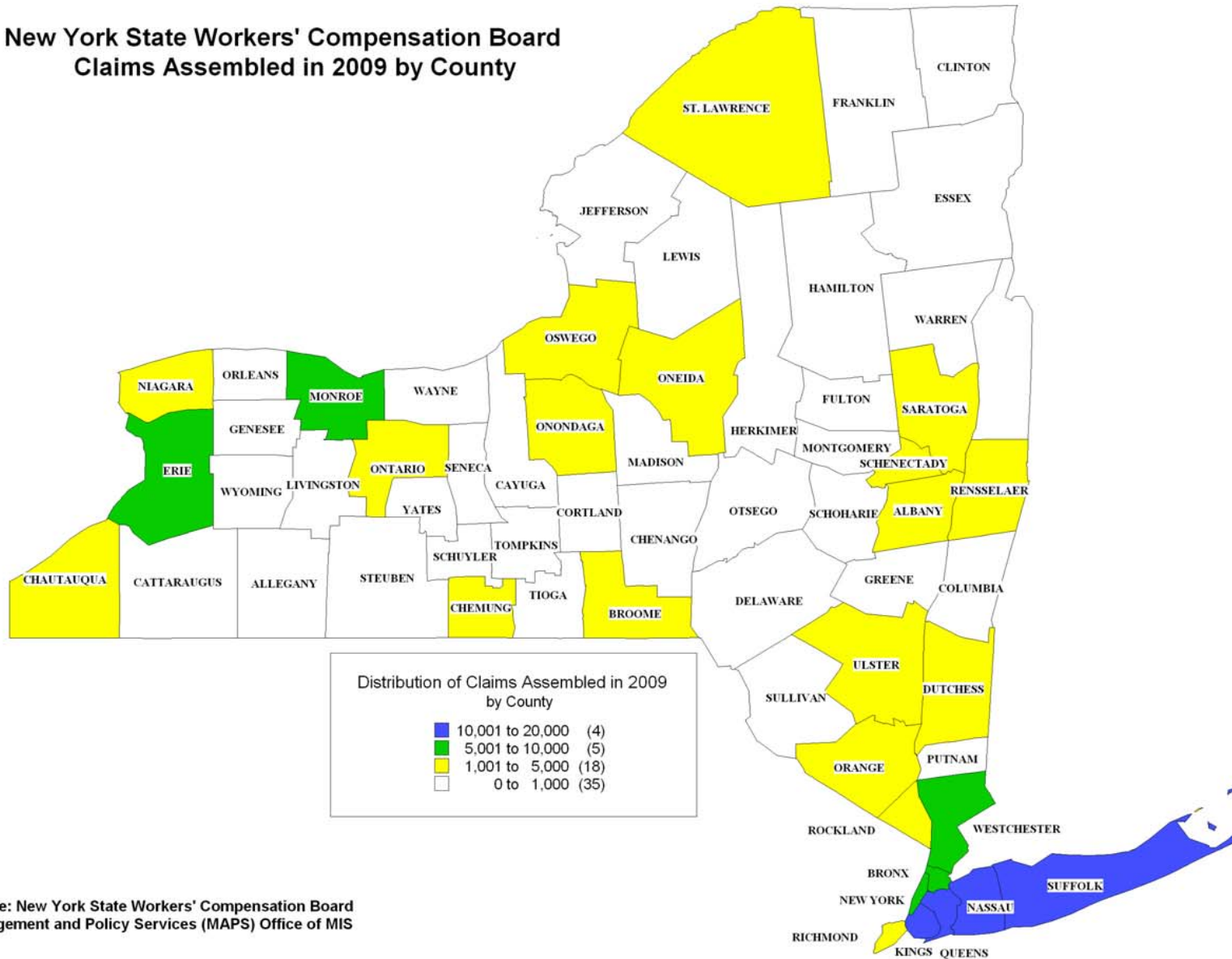
## Table of Contents

|   |    |
|---|----|
| Current District Offices and Service Center Locations .....   | 1  |
| Claims Assembled in 2009 by County .....  | 2  |
| Stop Work Orders Served.....  | 3  |
| Number of Claims Pending Five Year Trend .....  | 4  |
| Claims Assembled in 2009 by District Office.....  | 5  |
| Assembled and Reopened Claims in 2009 by District Office .....  | 5  |
| Controverted Claims and C-7s Filed in 2008 and 2009 .....   | 6  |
| Claims Controverted in 2009 by District Office.....   | 7  |
| Controverted Claims Eligible in the First Nine Months of 2009 by Number of Days to Resolution.....              | 8  |
| Pre-Hearing Conferences Held in 2009 .....  | 9  |
| Hearings Held in 2009 by District Office.....   | 10 |
| Percentage of All Claims Accepted in 2009 by District Office.....   | 11 |
| Assembly to ANCR for Accepted Claims in 2009 by Number of Days .....  | 12 |
| Claims Accepted in 2009 by Claim Type and Month .....   | 13 |
| Average Weekly Wage For Accepted Claims with First Indemnity Benefits Paid in 2009 .....                        | 14 |
| Percentage of Assembled Claims Controverted .....   | 15 |
| Average Number of Days to Address the Issues Raised in a Controverted Claim in 2009 by Month ...                | 16 |
| Average Number of Hearings to First Indemnity Award for Claims that Required Hearings<br>in 2009 by Month ..... | 17 |
| Estimated Annual Rate of Claims Assembled per 100 Workers in 2009 .....   | 18 |
| Number of Claims Resolved by Hearing Process in 2009 by Month.....  | 19 |

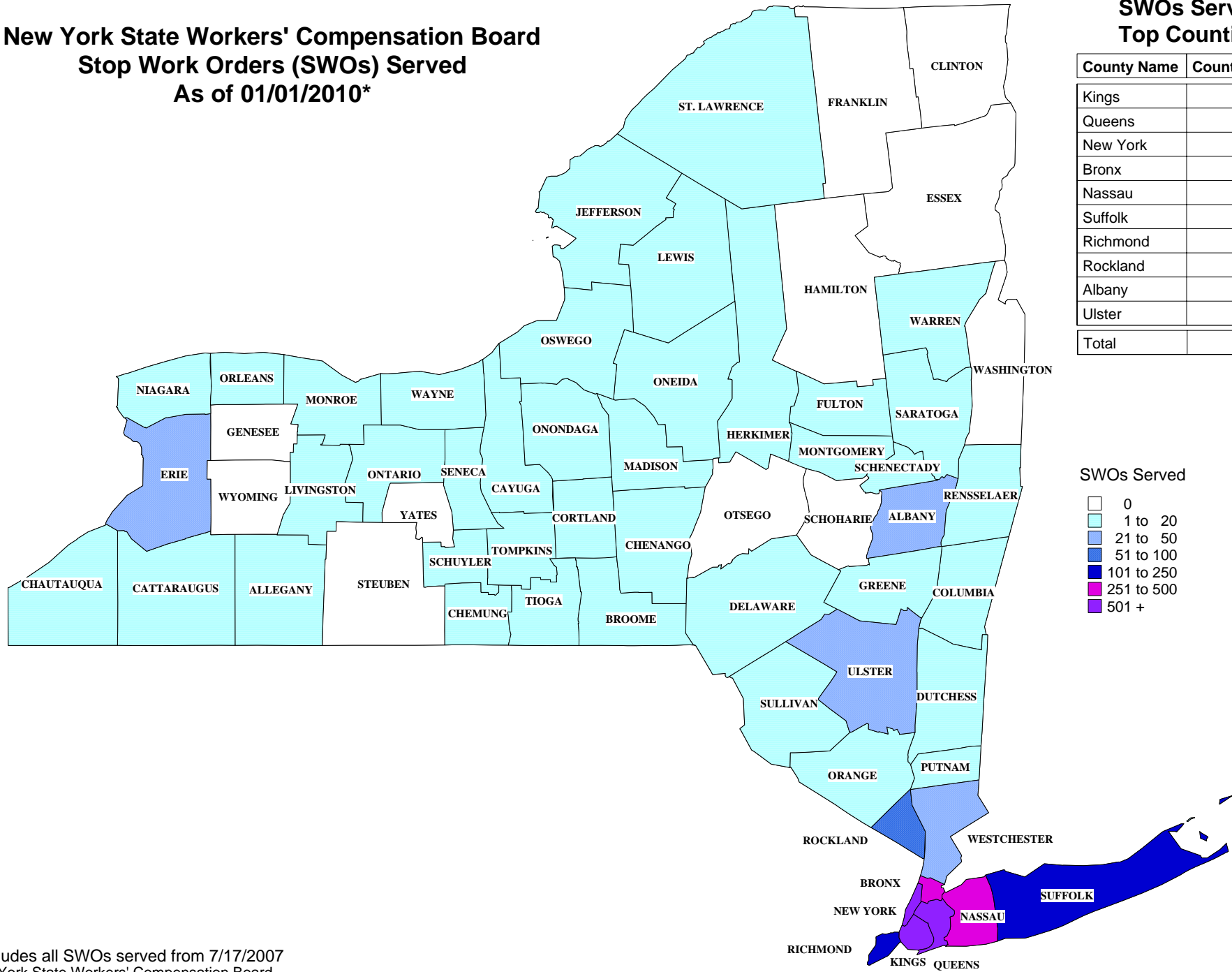
**New York State Workers' Compensation Board  
Current District Office  
And  
Service Center Locations**



## New York State Workers' Compensation Board Claims Assembled in 2009 by County

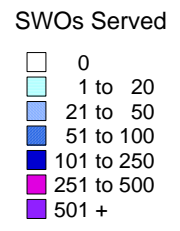


# New York State Workers' Compensation Board Stop Work Orders (SWOs) Served As of 01/01/2010\*



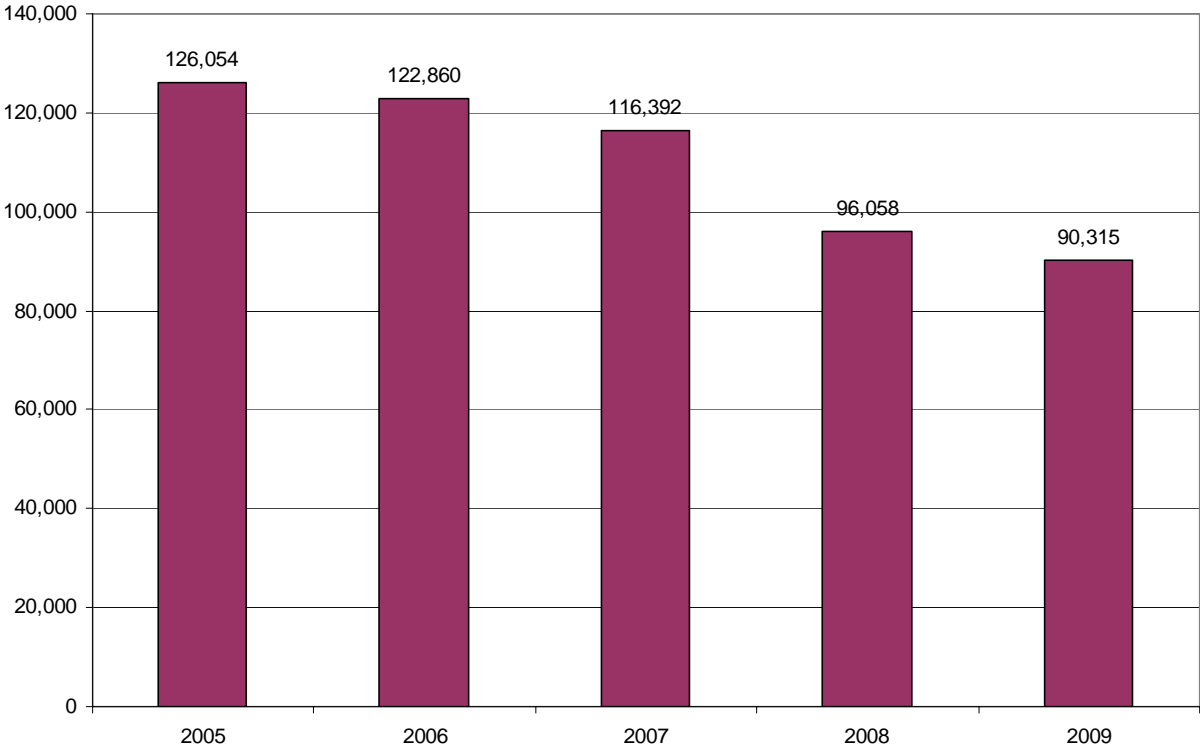
## SWOs Served Top Counties

| County Name  | Count        |
|--------------|--------------|
| Kings        | 1,182        |
| Queens       | 618          |
| New York     | 587          |
| Bronx        | 370          |
| Nassau       | 359          |
| Suffolk      | 185          |
| Richmond     | 169          |
| Rockland     | 72           |
| Albany       | 26           |
| Ulster       | 24           |
| <b>Total</b> | <b>3,822</b> |



\* Includes all SWOs served from 7/17/2007  
New York State Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

**Number of Claims Pending  
5 Year Trend**

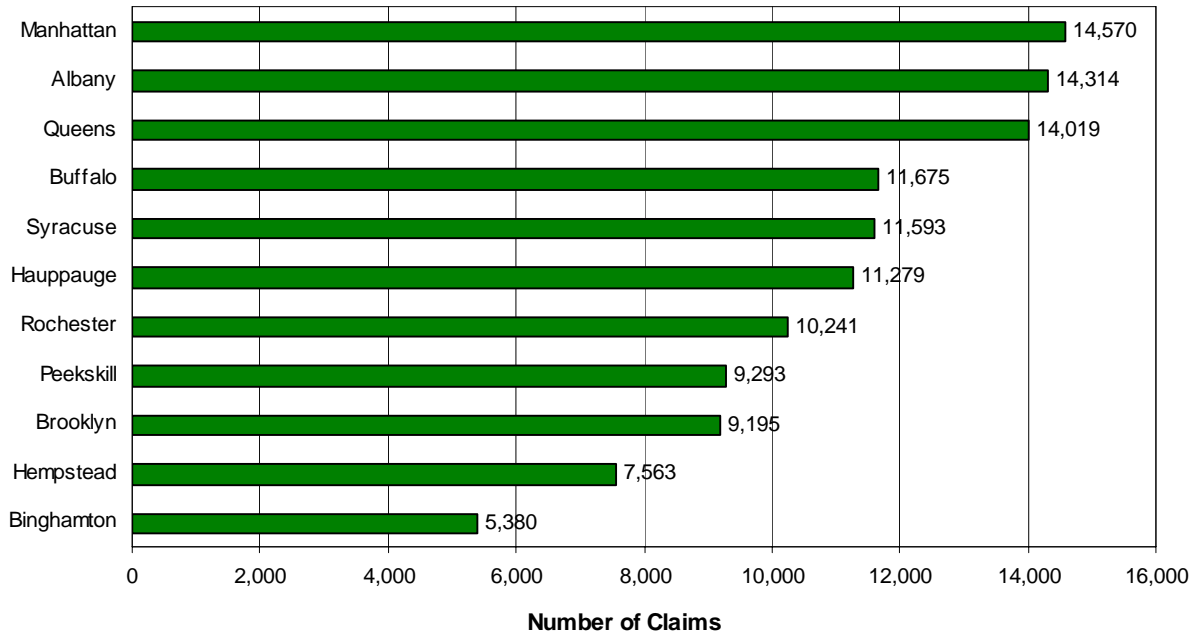


**Number of Claims Pending  
5 Year Trend**

| <b>Calendar Year</b> | <b>Claims Pending at Years' End</b> | <b>Annual Percent Change in Claims Pending</b> |
|----------------------|-------------------------------------|--|
| 2005                 | 126,054                             | N/A  |
| 2006                 | 122,860                             | -3%  |
| 2007                 | 116,392                             | -5%  |
| 2008                 | 96,058                              | -17%   |
| 2009                 | 90,315                              | -6%  |

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

### Claims Assembled in 2009 By District Office

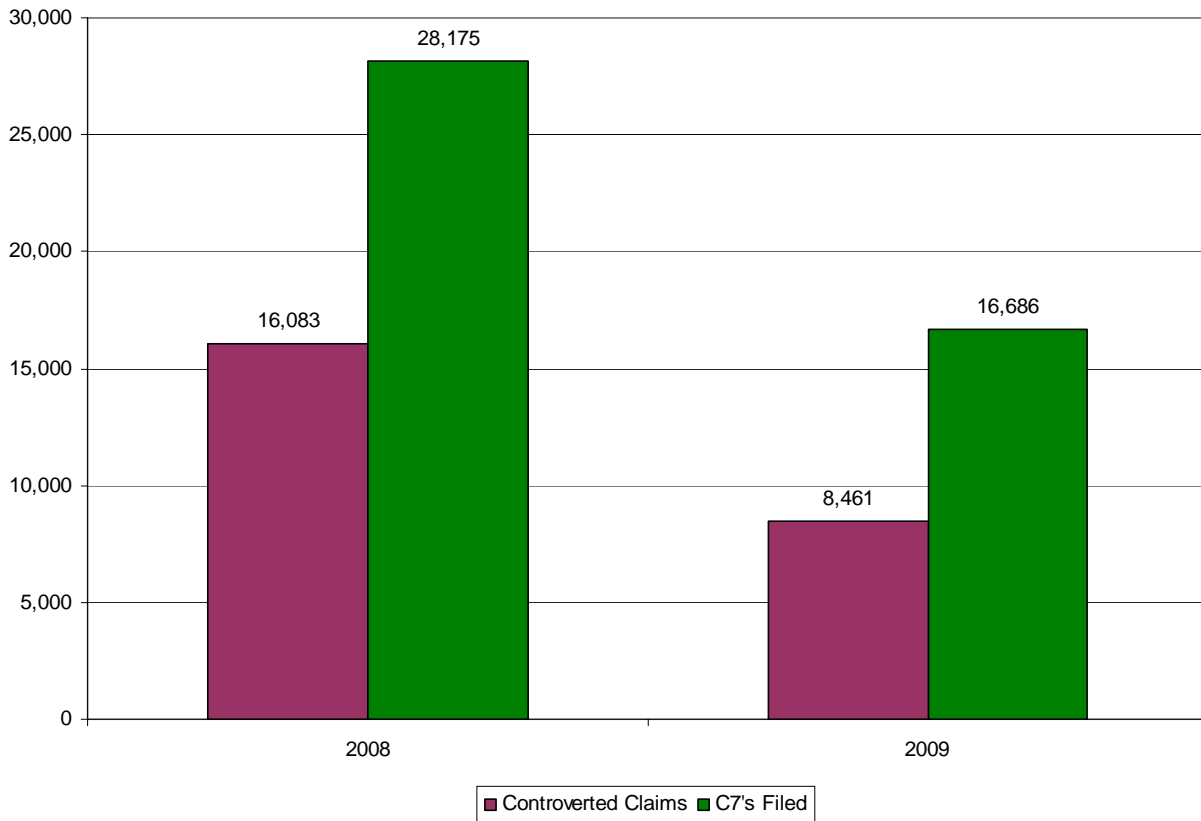


### Assembled and Reopened Claims in 2009 By District Office

| District Office | Claims Assembled | Claims Reopened |
|-----------------|------------------|-----------------|
| Manhattan       | 14,570           | 22,258          |
| Albany          | 14,314           | 18,982          |
| Queens          | 14,019           | 22,603          |
| Buffalo         | 11,675           | 23,294          |
| Syracuse        | 11,593           | 20,150          |
| Hauppauge       | 11,279           | 18,174          |
| Rochester       | 10,241           | 16,876          |
| Peekskill       | 9,293            | 18,965          |
| Brooklyn        | 9,195            | 13,963          |
| Hempstead       | 7,563            | 16,375          |
| Binghamton      | 5,380            | 9,494           |
| <b>Total</b>    | <b>119,122</b>   | <b>201,134</b>  |

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

### Controverted Claims and C7s Filed In 2008 and 2009



### Controverted Claims and C7s Filed In 2008 and 2009

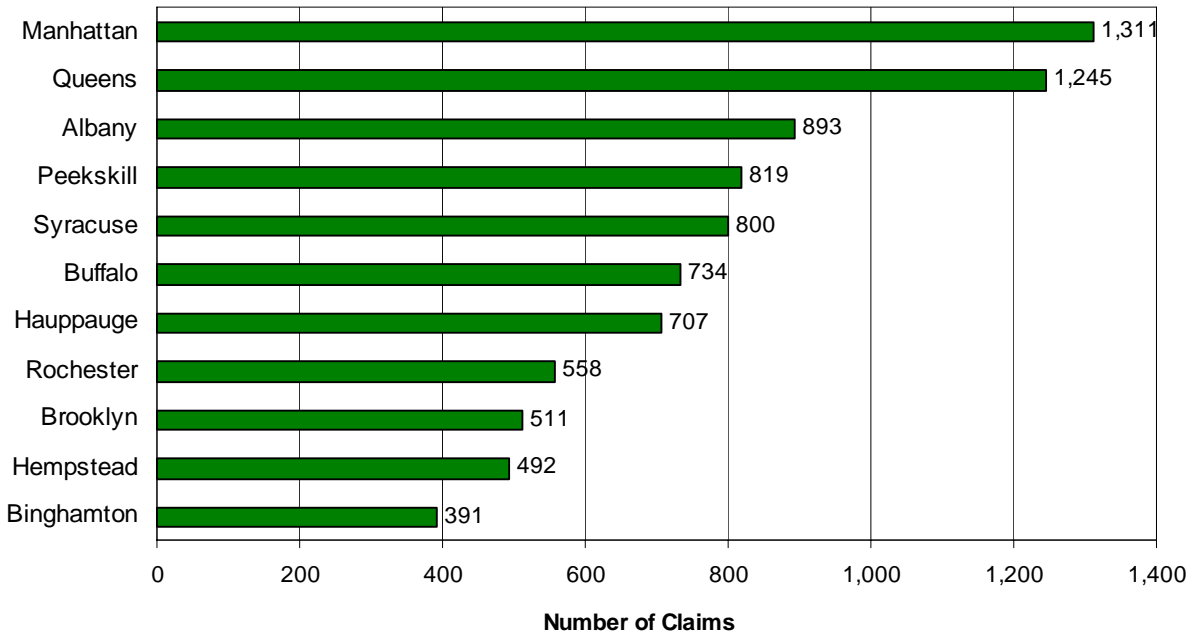
| Year | Controverted Claims | Percent Change | C7's Filed | Percent Change |
|------|---------------------|----------------|------------|----------------|
| 2008 | 16,083              | N/A            | 28,175     | N/A            |
| 2009 | 8,461               | -47%           | 16,686     | -41%           |

Approximately five percent of the Controverted Claims reported may have data issues that cannot be resolved without manual intervention

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS



## Claims Controverted in 2009 By District Office

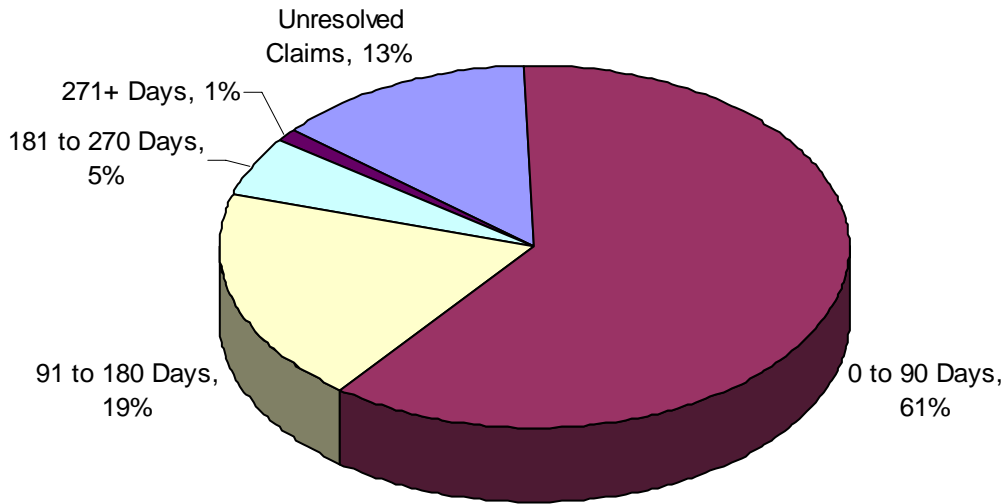


| District Office | Number of Claims Controverted |
|-----------------|-------------------------------|
| Manhattan       | 1,311                         |
| Queens          | 1,245                         |
| Albany          | 893                           |
| Peekskill       | 819                           |
| Syracuse        | 800                           |
| Buffalo         | 734                           |
| Hauppauge       | 707                           |
| Rochester       | 558                           |
| Brooklyn        | 511                           |
| Hempstead       | 492                           |
| Binghamton      | 391                           |
| <b>Total</b>    | <b>8,461</b>                  |

Approximately five percent of the Controverted Claims reported may have data issues that cannot be resolved without manual intervention

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

## Controverted Claims Eligible in the First 9 months of 2009 By Number of Days to Resolution



| Days              | Controverted Claims | Percentage of Claims |
|-------------------|---------------------|----------------------|
| Unresolved Claims | 799                 | 13%                  |
| 0 to 90 Days      | 3,658               | 61%                  |
| 91 to 180 Days    | 1,148               | 19%                  |
| 181 to 270 Days   | 306                 | 5%                   |
| 271+ Days         | 72                  | 1%                   |
| <b>Total</b>      | <b>5,983*</b>       | <b>100%</b>          |

Approximately five percent of the Controverted Claims reported may have data issues that cannot be resolved without manual intervention  
 \* 102 claims removed from this population due to data anomalies

Source: NYS Workers' Compensation Board  
 Management and Policy Services (MAPS) Office of MIS

**Pre-Hearing Conferences (PHC) Held in 2009  
Median Days from Eligibility Date to PHC  
By Month**

| <b>Month</b> | <b>PHC</b>     | <b>Eligible PHC*</b> | <b>Median Days from Eligibility Date to PHC</b> | <b>Unknown Eligibility date</b> |
|--------------|----------------|----------------------|---|---------------------------------|
| January      | 576            | 531                  | 28  | 45                              |
| February     | 512            | 490                  | 27  | 22                              |
| March        | 572            | 535                  | 27  | 37                              |
| April        | 547            | 514                  | 26  | 33                              |
| May          | 534            | 507                  | 26  | 27                              |
| June         | 579            | 556                  | 25  | 23                              |
| July         | 577            | 552                  | 26  | 25                              |
| August       | 548            | 527                  | 25  | 21                              |
| September    | 652            | 615                  | 26  | 37                              |
| October      | 564            | 544                  | 25  | 20                              |
| November     | 640            | 621                  | 25  | 19                              |
| December     | 733            | 711                  | 26  | 22                              |
| <b>Total</b> | <b>7,034**</b> | <b>6,703</b>         | <b>26</b>                                       | <b>331***</b>                   |

Approximately five percent of the Controverted Claims reported may have data issues that cannot be resolved without manual intervention

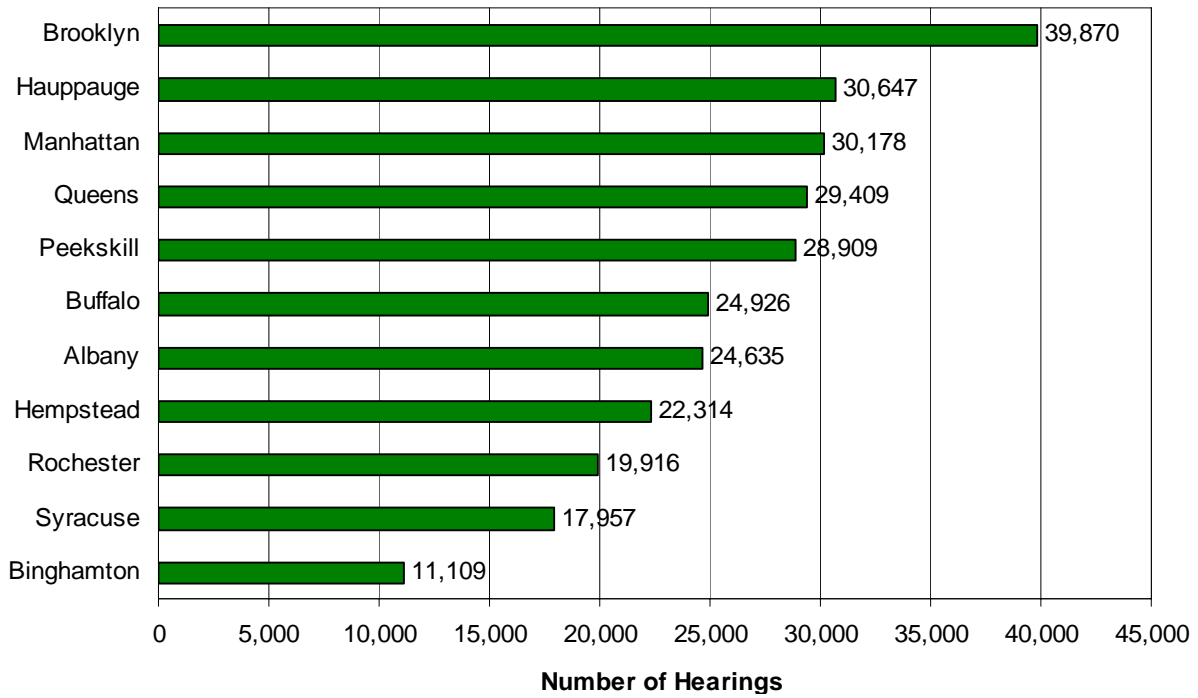
\* The 'Eligible PHC' is defined by the first pre-hearing conference and the claim has an eligible controversy

\*\* The total number of PHCs held in calendar year 2009 is 7,551; out of these claims 517 had a previous PHC

\*\*\* The 'Unknown Eligibility date' number reflects re-opened controverted claims, data anomalies, and claims with unknown eligibility dates

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

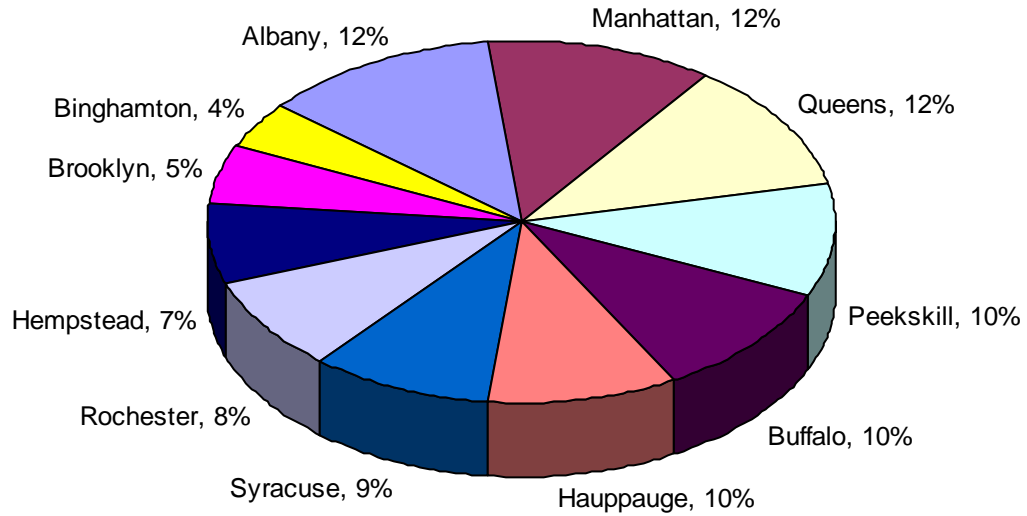
## Hearings Held in 2009 By District Office



| District Office | Number of Hearings |
|-----------------|--------------------|
| Brooklyn        | 39,870             |
| Hauppauge       | 30,647             |
| Manhattan       | 30,178             |
| Queens          | 29,409             |
| Peekskill       | 28,909             |
| Buffalo         | 24,926             |
| Albany          | 24,635             |
| Hempstead       | 22,314             |
| Rochester       | 19,916             |
| Syracuse        | 17,957             |
| Binghamton      | 11,109             |
| <b>Total</b>    | <b>279,870</b>     |

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

**Percentage of All Claims Accepted in 2009  
By District Office**

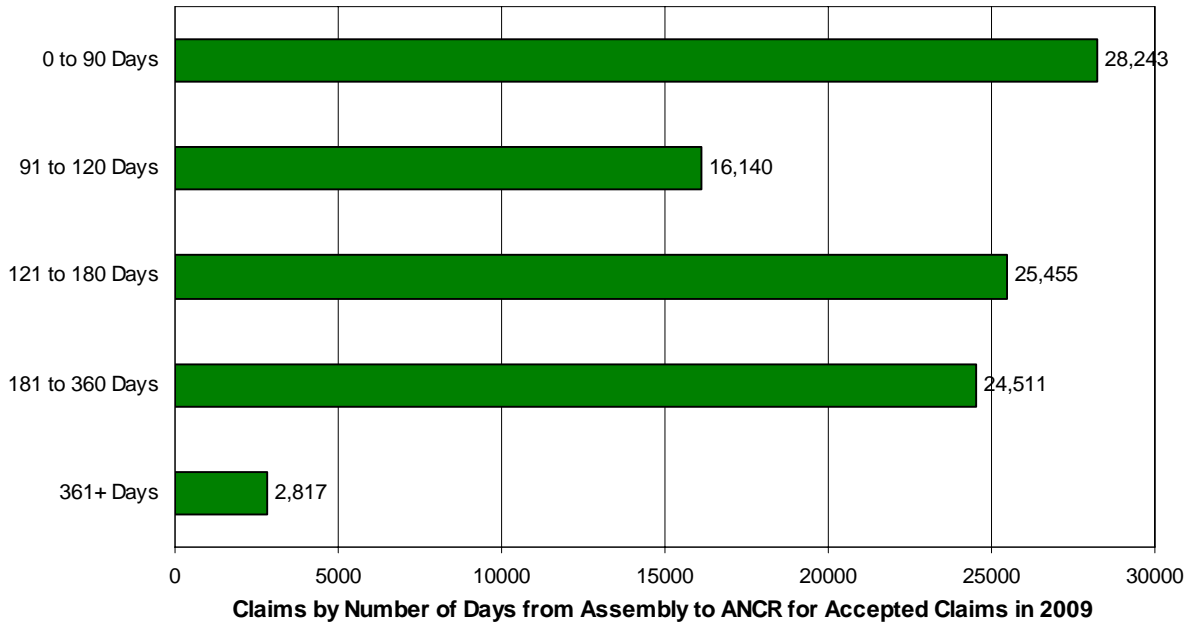


**Claims Accepted in 2009  
By District Office**

| District Office | Claims Accepted |
|-----------------|-----------------|
| Albany          | 12,295          |
| Manhattan       | 11,863          |
| Queens          | 11,751          |
| Peekskill       | 10,331          |
| Buffalo         | 10,188          |
| Hauppauge       | 9,907           |
| Syracuse        | 9,556           |
| Rochester       | 8,581           |
| Hempstead       | 7,303           |
| Brooklyn        | 5,135           |
| Binghamton      | 4,304           |
| <b>Total</b>    | <b>101,214</b>  |

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

**Assembly to ANCR for Accepted Claims in 2009  
By Number of Days**



**Assembly to ANCR for Accepted Claims in 2009  
By Number of Days**

| Days                | Accepted Claims | Percentage Accepted |
|---------------------|-----------------|---------------------|
| 0 to 90 Days        | 28,243          | 29%                 |
| 91 to 120 Days      | 16,140          | 17%                 |
| 121 to 180 Days     | 25,455          | 26%                 |
| 181 to 360 Days     | 24,511          | 25%                 |
| 361+ Days           | 2,817           | 3%                  |
| <b>Total Claims</b> | <b>97,166*</b>  | <b>100%</b>         |

\* 4048 claims were excluded from this analysis due to data anomalies

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

**Claims Accepted in 2009  
By Claim Type and Month**

| <b>Month Accepted</b> | <b>Total Claims Accepted</b> | <b>WCL Claims (a)</b> | <b>VFBL Claims (b)</b> | <b>VAWBL Claims (c)</b> |
|-----------------------|------------------------------|-----------------------|------------------------|-------------------------|
| January               | 9,069                        | 8,991                 | 75                     | 3                       |
| February              | 8,666                        | 8,625                 | 40                     | 1                       |
| March                 | 9,780                        | 9,711                 | 60                     | 9                       |
| April                 | 8,736                        | 8,668                 | 65                     | 3                       |
| May                   | 8,103                        | 8,060                 | 36                     | 7                       |
| June                  | 8,371                        | 8,330                 | 37                     | 4                       |
| July                  | 8,157                        | 8,108                 | 44                     | 5                       |
| August                | 7,682                        | 7,631                 | 47                     | 4                       |
| September             | 7,343                        | 7,290                 | 48                     | 5                       |
| October               | 7,950                        | 7,897                 | 46                     | 7                       |
| November              | 8,058                        | 8,005                 | 49                     | 4                       |
| December              | 9,299                        | 9,246                 | 52                     | 1                       |
| <b>Total</b>          | <b>101,214</b>               | <b>100,562</b>        | <b>599</b>             | <b>53</b>               |

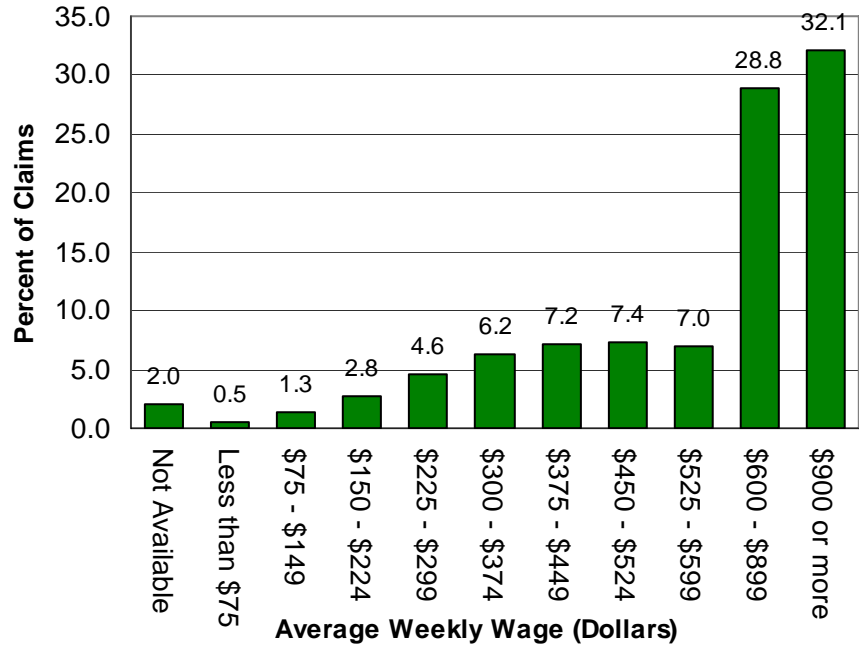
- (a) Claims under the Workers' Compensation Law
- (b) Claims under the Volunteer Firefighters' Benefit Law
- (c) Claims under the Volunteer Ambulance Workers' Benefit Law

Claims Accepted in 2009: Claims for which there was a finding made by the Board during calendar year 2009 that (1) the claimant sustained an injury arising out of and in the course of employment; (2) timely notice thereof was given to the employer; and (3) there is a causal relationship between the work injury and a consequent disability.

(The claims accepted data for 2009 includes some previously established claims for which a Board finding during calendar year 2009 amended or reaffirmed the claim's status; it is estimated that these affirmations account for less than 5% of the total).

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

**Average Weekly Wage  
For Accepted Claims with First Indemnity Benefits Paid in 2009**



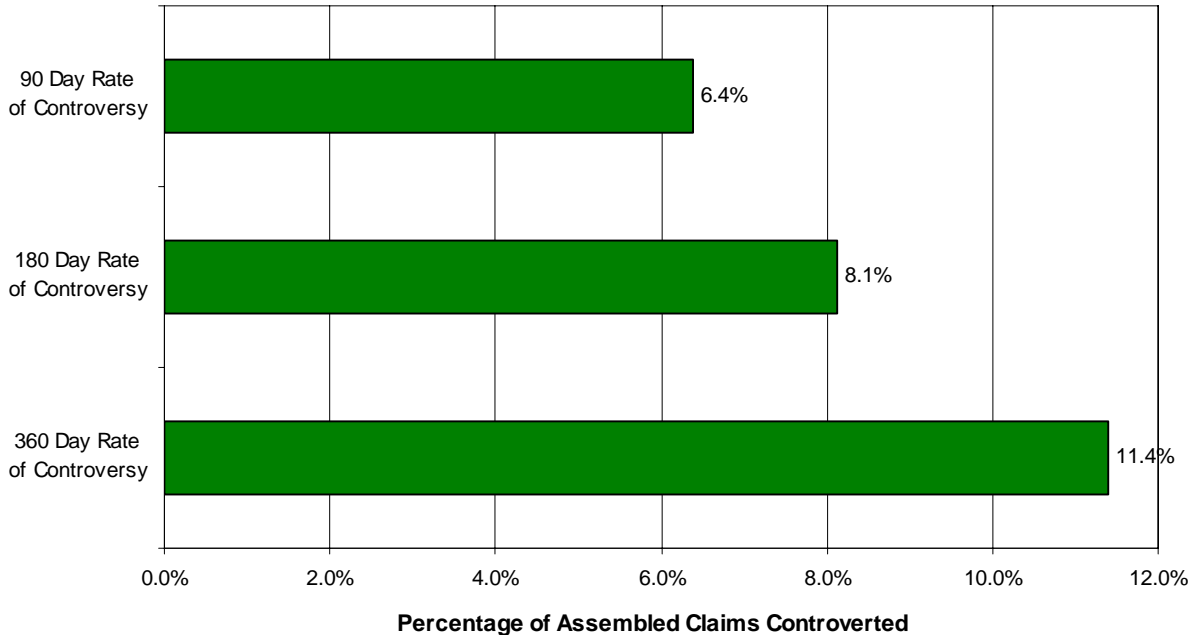
| Average Weekly Wage | Number of Claimants | Percentage of Claimants |
|---------------------|---------------------|-------------------------|
| Not Available       | 1,603               | 2.0%                    |
| Less than \$75      | 410                 | 0.5%                    |
| \$75 - \$149        | 1,045               | 1.3%                    |
| \$150 - \$224       | 2,197               | 2.8%                    |
| \$225 - \$299       | 3,694               | 4.6%                    |
| \$300 - \$374       | 4,948               | 6.2%                    |
| \$375 - \$449       | 5,725               | 7.2%                    |
| \$450 - \$524       | 5,857               | 7.4%                    |
| \$525 - \$599       | 5,605               | 7.0%                    |
| \$600 - \$899       | 22,974              | 28.8%                   |
| \$900 or more       | 25,608              | 32.1%                   |
| <b>Totals</b>       | <b>79,666</b>       | <b>100.0%</b>           |

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS



## Percentage of Assembled Claims Controverted

### 2009 Report



| Rate of Controversy                        | Totals  |
|--|---------|
| 90 Day Rate of Controversy                 | 6.4%    |
| Claims Assembled (Oct. 2008 to Sept. 2009) | 110,000 |
| Claims Controverted                        | 7,016   |

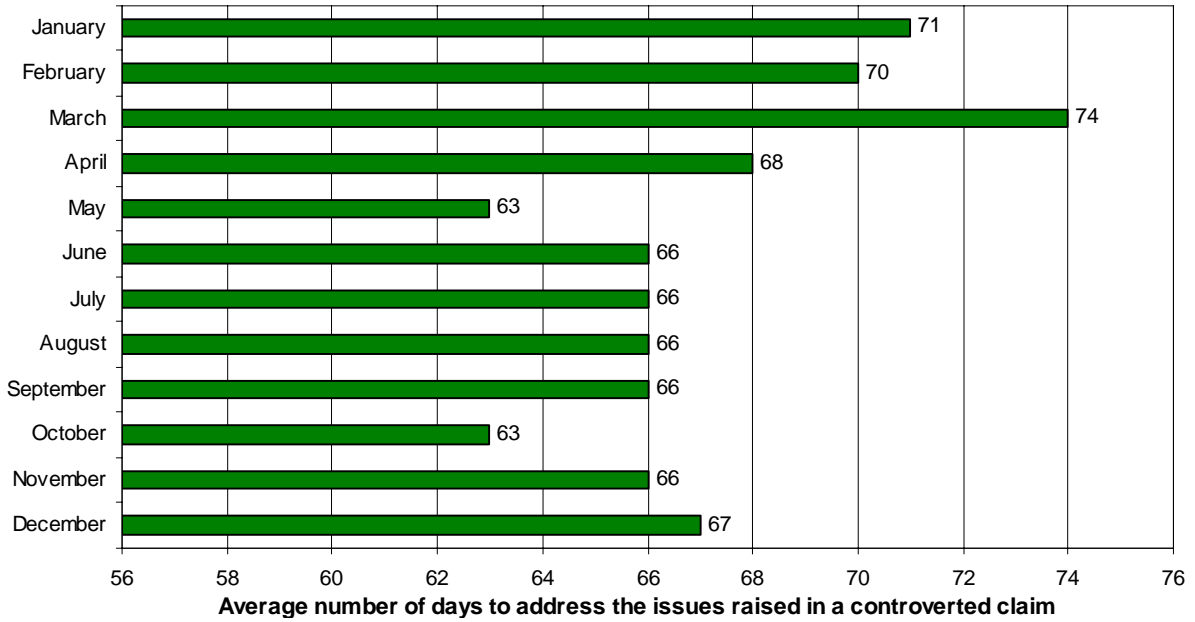
|   |         |
|---|---------|
| 180 Day Rate of Controversy               | 8.1%    |
| Claims Assembled (July 2008 to June 2009) | 113,107 |
| Claims Controverted                       | 9,195   |

|   |         |
|---|---------|
| 360 Day Rate of Controversy               | 11.4%   |
| Claims Assembled (Jan. 2008 to Dec. 2008) | 124,481 |
| Claims Controverted                       | 14,182  |

This report is run with a '90 day', '180 day', '360 day' lag. It captures the claims assembled three, six and twelve months ago and calculates the percentage of controverted claims by checking the presence of a form C-7 and a qualifying medical form.

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

**Average Number of Days to Address the Issues  
Raised in a Controverted Claim in 2009  
By Month**

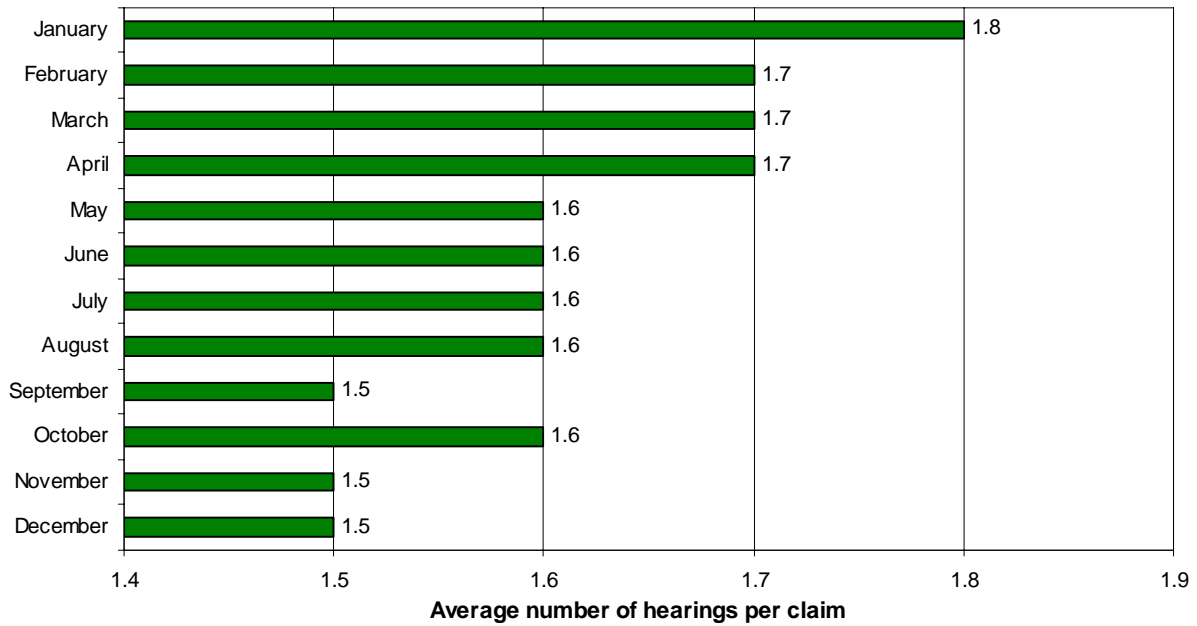


| Month          | Average Number of Days |
|----------------|------------------------|
| January        | 71                     |
| February       | 70                     |
| March          | 74                     |
| April          | 68                     |
| May            | 63                     |
| June           | 66                     |
| July           | 66                     |
| August         | 66                     |
| September      | 66                     |
| October        | 63                     |
| November       | 66                     |
| December       | 67                     |
| <b>Average</b> | <b>67</b>              |

A claim is considered eligible for hearing as a controverted claim only if a C-7 form and a qualifying medical form have been filed. This measures the time required to decide on the controversy for claims assembled since the 2007 reform.

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

## Average Number of Hearings to First Indemnity Award for Claims that Required Hearings in 2009 By Month

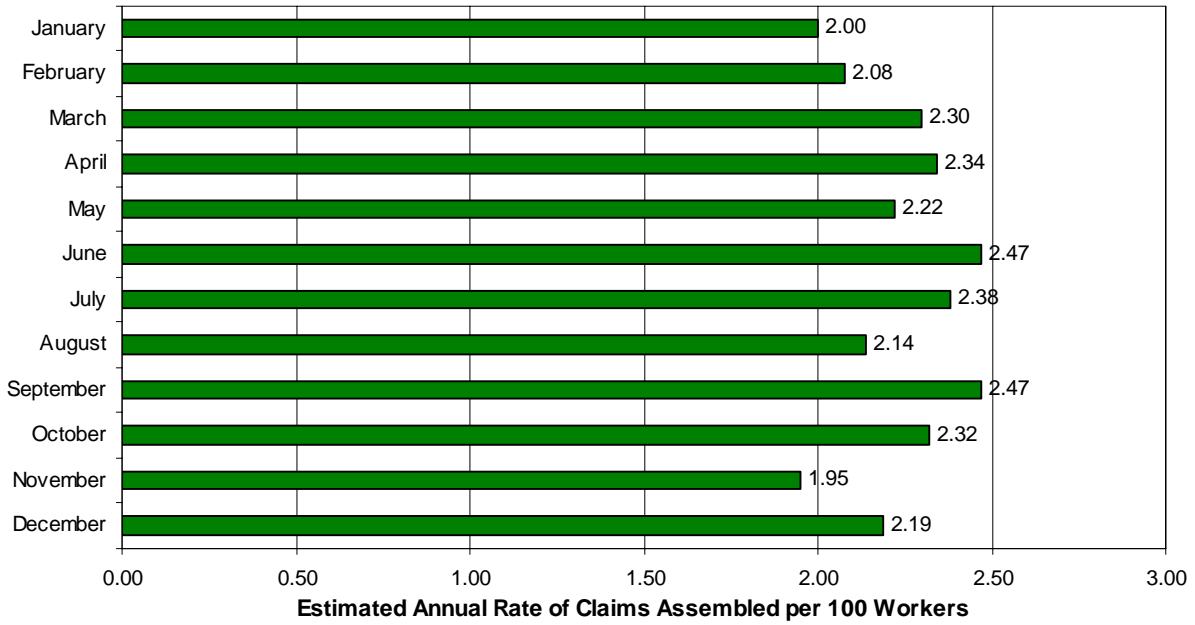


| Month          | Average Hearings per Claim |
|----------------|----------------------------|
| January        | 1.8                        |
| February       | 1.7                        |
| March          | 1.7                        |
| April          | 1.7                        |
| May            | 1.6                        |
| June           | 1.6                        |
| July           | 1.6                        |
| August         | 1.6                        |
| September      | 1.5                        |
| October        | 1.6                        |
| November       | 1.5                        |
| December       | 1.5                        |
| <b>Average</b> | <b>1.6</b>                 |

This measures the average number of hearings required to award first indemnity benefit in a lost time claim handled in the hearing process.

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

### Estimated Annual Rate of Claims Assembled per 100 Workers in 2009

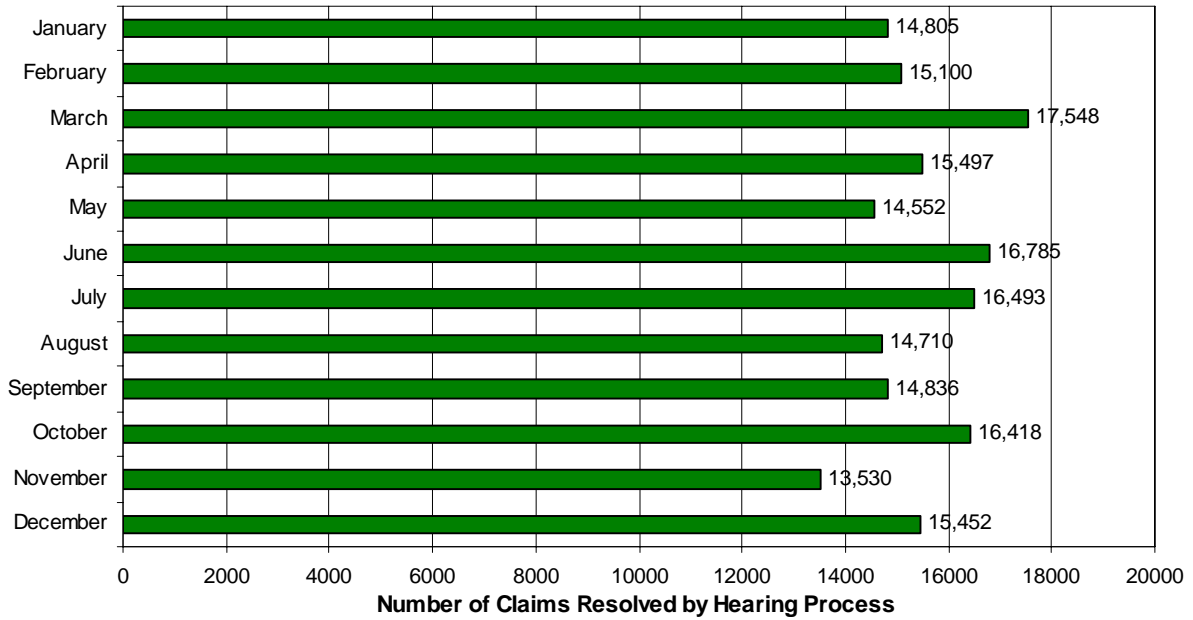


| Month          | Estimated Annual Rate of Claims Assembled per 100 Workers |
|----------------|---|
| January        | 2.0   |
| February       | 2.1   |
| March          | 2.3   |
| April          | 2.3   |
| May            | 2.2   |
| June           | 2.5   |
| July           | 2.4   |
| August         | 2.1   |
| September      | 2.5   |
| October        | 2.3   |
| November       | 2.0   |
| December       | 2.2   |
| <b>Average</b> | <b>2.2</b>  |

The total employment from American Community Survey less estimated non-coverage workers and claims assembled by WCB during report period are used for calculation. Number is converted to yearly rate for easy comparison.

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS

## Number of Claims Resolved by Hearing Process in 2009 By Month



| Month        | Resolved by Hearing Process |
|--------------|-----------------------------|
| January      | 14,805                      |
| February     | 15,100                      |
| March        | 17,548                      |
| April        | 15,497                      |
| May          | 14,552                      |
| June         | 16,785                      |
| July         | 16,493                      |
| August       | 14,710                      |
| September    | 14,836                      |
| October      | 16,418                      |
| November     | 13,530                      |
| December     | 15,452*                     |
| <b>Total</b> | <b>185,726</b>              |

\* This data is derived from the MIRROR as of 1/11/2010

Source: NYS Workers' Compensation Board  
Management and Policy Services (MAPS) Office of MIS