



Injured off the job?

A guide to disability benefits



**Workers'
Compensation
Board**

In New York, for-profit employers and some not-for-profit employers are required to carry disability benefits insurance. It pays you temporary cash benefits if you can't work because you were injured or became ill outside your employment. This can include pregnancy and post-childbirth.

CASH BENEFITS

The benefit is 50% of your average weekly wage, up to a maximum of \$170 a week. Your average weekly wage is based on your wages for the eight weeks of work prior to your last day worked. Benefits are subject to Social Security taxes.

There is a seven-day waiting period; benefits begin on the eighth consecutive day of disability. The first benefit payment is due within four business days after your 14th day of disability, or four business days after the insurer receives your claim, whichever is later. Benefits are payable every two weeks during the period of disability.

Your employer must give you a **Statement of Rights - Disability Benefits Law (Form DB-271S)** within five days of learning you are disabled.

Your right to benefits may be affected if you quit your job for reasons unrelated to the disability.

PREMIUMS AND COVERAGE

An employer may collect a contribution from its employees to offset the disability benefits insurance premium. The contribution is up to one-half of one percent of wages, up to 60 cents a week.

HOW TO FILE A CLAIM

1. File **Notice and Proof of Claim for Disability Benefits (Form DB-450)** with your employer's

insurer (or your employer, if they are self-insured) within 30 days of becoming disabled. This form is available at wcb.ny.gov/forms.

If your claim is not paid promptly, contact your employer or your employer's insurer.

If you file late, you may not be paid for any disability period more than two weeks before the date the claim is filed. Late filings may be excused if you can show that it wasn't reasonably possible to file earlier. No benefits are payable if you file more than 26 weeks after your disability begins, or after you return to work.

2. Your health care provider must complete **Part B - Health Care Provider's Statement of Form DB-450**, and return it to you within seven days of receiving it.
3. Your employer must complete **Part C - Employer Information** and return it to you within three business days of receiving it. If they fail to do so, you may still proceed with your application.

LANGUAGE ASSISTANCE

The Board will translate documents into any language you need and/or provide an interpreter for your hearing, at no cost to you. Please call **(877) 632-4996** or visit wcb.ny.gov/lac for more information or to arrange translation. You can request an interpreter during the check-in process for your hearing.

PREGNANCY

Disability can occur at any time during pregnancy or after childbirth. Expectant or new mothers may collect disability benefits while on maternity leave, assuming they are otherwise eligible. A physician or certified nurse midwife must certify disability with medical reports. Sometimes an insurer may ask for more detailed medical information for extensive disabilities.

SUPPLEMENTAL DISABILITY BENEFITS PLANS

Your employer may offer a supplemental disability benefits insurance plan. Supplemental plans have different benefits than those required under the mandatory (or statutory) insurance described here. Since the plans can vary, please contact your employer directly to learn about the benefits that may be available to you.

UNEMPLOYMENT INSURANCE AND DISABILITY BENEFITS

If you are receiving Unemployment Insurance benefits and become disabled between four and 26 weeks after ending employment, you may be eligible for disability benefits from the first day of disability. However, you cannot receive Unemployment Insurance benefits and disability benefits at the same time. You are eligible only if you can't collect Unemployment Insurance benefits because an injury or illness prevents you from seeking employment and, therefore, disqualifies you from receiving further Unemployment Insurance benefits.

File a *Notice and Proof of Claim for Disability Benefits (Form DB-450)* (wcb.ny.gov/forms) directly with the Board at:

NYS Workers' Compensation Board
Disability Benefits Bureau
P.O. Box 9029
Endicott, NY 13761-9029

OTHER CIRCUMSTANCES

- **Rejected Claim:** If your claim is rejected, you have the right to request a review of the rejection. Submit your request to:

NYS Workers' Compensation Board
Disability Benefits Bureau
P.O. Box 9029
Endicott, NY 13761-9029

If you're still disabled and your benefits stop before the 26-week benefit period has passed and you have submitted medical evidence of your disability to the insurer, you have the right to submit a request for review to the Disability Benefits Bureau. The insurer is required to pay benefits for a claim that is determined to be proper and valid upon receipt of medical evidence. If necessary, the claim will be referred to a Workers' Compensation Law Judge for resolution.

- **Auto Accident:** You may receive disability benefits for an injury incurred in an auto accident. However, the amount of the disability benefit may reduce any no-fault insurance benefit you are eligible to receive.
- **Social Security Benefits:** If you're still working and receiving Social Security retirement benefits, you may be eligible for disability benefits. However, if you're receiving Social Security disability benefits, and you also file a claim for NYS disability benefits, you will receive the larger of the two benefits, not both.

For example, if your Social Security disability benefit is \$400, and your NYS disability benefit is \$170, you will only receive \$400.

RESTRICTIONS

You cannot receive disability benefits if you are working. Disability benefits insurance does not cover medical care. Benefits are not payable for disability periods due to elective surgery.

Prospective employers may not ask you about your disability benefits claims before hiring you.

**For questions about your disability benefits claim, you must call your employer's insurer.
For general information about disability benefits, call (877) 632-4996 or visit wcb.ny.gov.**