

## New Fee Application Desk Aid

### WCL § 24(2)(a):

Following a hearing, the WCLJ issues a decision directing that the carrier continue awards at the temporary partial disability rate of \$400.00 per week. Calculation of the attorney's fee is as follows:

$$\text{\$400.00 (one week's compensation)} \times 1/3 = \text{\$133.33 Attorney's Fee}$$

### WCL § 24(2)(b):

Following a hearing, the WCLJ issues a decision in which awards are made at the tentative rate of \$400.00 per week from 7/26/23 to 11/22/23 (total of 17 weeks). The case is continued to address the issue of degree of disability. Following development of the record with medical depositions and another hearing, the WCLJ finds that the medical evidence supports a temporary total disability. The WCLJ modifies prior awards from the tentative rate to the temporary total disability rate of \$800.00 per week. Calculation of the attorney's fee is as follows:

$$(\$800.00 - \$400.00 = \$400.00) \text{ (difference in increased compensation)} \times 17 \text{ weeks (total number of weeks for award)} = \$6,800.00$$

$$\text{\$6,800.00} \times 15\% = \text{\$1,020.00 Attorney's Fee}$$

### WCL § 24(2)(a) and (b):

A claim for benefits based on a 6/1/23 accident is controverted by the carrier. After lay testimony and medical depositions, the WCLJ issues a reserved decision on 11/15/23 establishing the claim and making awards at the temporary total rate of \$1,000.00 per week from 6/1/23 to 11/15/23 and directing the carrier to continue payments at \$1,000.00 per week.

$$\text{\$1,000 (one week's compensation)} \times 1/3 = \text{\$333.33 Attorney's Fee under WCL § 24(2)(a)}$$

$$\text{\$1,000} \times 24 \text{ weeks} = \text{\$24,000}$$

$\$24,000 \times 15\% = \underline{\$3,600}$  Attorney's Fee under WCL § 24(2)(b)

$\underline{\$3,933.33}$  Total Attorney's Fee

**WCL § 24(2)(c):**

Following a hearing, the WCLJ finds that the claimant has a 45% schedule loss of use (SLU) of the right arm, entitling the claimant to 140.4 weeks of benefits. The total award is \$26,962.68, less payments already made. The carrier has made prior payments in the amount of \$13,000.00 throughout the duration of the claim. Calculation of the attorney's fee is as follows:

$(\$26,962.68 - \$13,000.00 = \$13,962.68) \times 15\% = \underline{\$2,094.40}$  Attorney's Fee (Award minus prior payments, representing new money moving)

**WCL § 24(2)(d):**

Following a hearing, the WCLJ issues a decision directing that the carrier continue awards at the tentative rate of \$400.00 per week. The case is continued to address the issue of permanency. Following development of the record with medical depositions and another hearing, the WCLJ classifies the claimant with a permanent total disability. Awards are made from 7/26/23 to 10/4/23 at the temporary total disability rate of \$800.00 per week (total of 10 weeks), with the directive for the carrier to continue benefits at the permanent total disability rate of \$800.00 per week. Calculation of the attorney's fee is as follows:

$(\$800.00 - \$400.00 = \$400.00) \times 10 \text{ weeks} = \$4,000.00$  (Award minus prior payments, representing new money moving)

$\$4,000.00 \times 15\% = \$600.00$

$\$800.00$  (Permanent Total Disability rate)  $\times 15 \text{ weeks} = \$12,000.00$

$\$600.00 + \$12,000.00 = \underline{\$12,600.00}$  Attorney's Fee

**WCL § 24(2)(e):**

The decedent was found deceased at his job site. The surviving spouse (claimant) files a death claim. Following development of the record and a hearing, the WCLJ establishes the claim for a causally related death and directs that the claimant submit documentation from the Social Security Administration regarding her receipt of social security survivor benefits. At a subsequent hearing, the claimant submits a printout from the Social Security Administration regarding her social security benefits. The WCLJ determines that the Social Security offset is \$268.50 per week. The WCLJ further finds that the proper rate of awards is \$816.54, less the Social Security offset of \$268.50 per week, which yields a weekly rate of \$548.04 per week. Awards are made to the claimant at the rate of \$548.04 per week, totaling \$26,442.93 (total of 48.25 weeks). The WCLJ directs that the carrier continue payment at the rate of \$548.04 per week. Calculation of the attorney's fee is as follows:

$$\$548.04 \times 48.25 \text{ weeks} = \$26,442.93$$

$$\$26,442.93 \times 15\% = \$3,966.44$$

$$\$548.04 \text{ (death benefit rate)} \times 15 \text{ weeks} = \$8,220.60$$

$$\$3,966.44 + \$8,220.60 = \underline{\$12,187.04 \text{ Attorney's Fee}}$$

**WCL § 24(2)(f):**

The parties enter into an agreement to settle the case pursuant to WCL § 32. The terms of the agreement provide that the claimant would be paid a gross amount of \$75,000.00. The agreement contains a Medicare Set-Aside provision directing that \$28,000.00 of the \$75,000.00 gross settlement would be separately managed in a Medicare Set-Aside account (note: this example would be the same if the amount was allocated for future medical expenses even if not via an MSA). Calculation of the attorney's fee is as follows:

$$\$75,000.00 - \$28,000.00 = \$47,000.00$$

$$\$47,000.00 \times 15\% = \underline{\$7,050.00 \text{ Attorney's Fee}}$$