

# How Much Does Workers' Compensation Pay You?

*Prospective clients ask workers' compensation attorneys daily how much will workers' comp pay, or what expenses does Pennsylvania workers' compensation cover?*

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-- How Much Does Workers'  
Compensation Pay You?

One of the most common questions asked by prospective clients is how much workers' comp will pay out or what the Pennsylvania workers' compensation rates are to cover their expenses.

The answer to this question is of critical importance to most people seeking workers' compensation. Unfortunately, the question is not easy to answer since every case is different. By its compensatory nature, the purpose of workers' compensation is to help people recover from their workplace injuries. This compensation comes in the form of payment for medical bills and financial assistance while out of work.

While the workers' compensation system is not perfect, it is a functional system that tries to deliver

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KK&O is the only workers' compensation law firm in Pennsylvania with three generations of workers' compensation attorneys dedicating their lives to protecting the rights of injured workers”

*Jason Krasno, CEO*

help to those who need it most. If you have been injured on the job and plan to seek workers' compensation, you should speak to an experienced Pennsylvania workers' compensation attorney to help you maximize your potential recovery. While it is possible to navigate the workers' compensation system on your own, it is not advisable, as your employer and your employer's insurance company will likely have an attorney representing their interests. Additionally, the workers' compensation filing and appeals procedure can be technical, and it is useful to hire an attorney to help move the process along.

The Public Policy of Workers' Compensation Insurance



Historically, work-related injury legal claims proceeded through the regular court system. While it made sense to allow juries to try issues of employer negligence and workplace safety, the resulting verdicts were often mixed, with some verdicts overcompensating the injured and other verdicts not providing enough relief.

The current workers' compensation system is a grand bargain between the interests of employers and the interests of injured employees. On the one hand, the workers' compensation laws absolutely require an employer to compensate an employee for any work-related injuries that arise during the scope of employment. On the other hand, employers are not subject to the inconsistency of verdicts in the civil trial system.

This history and policy help determine the payment mechanisms responsible for workers' compensation awards. Workers' compensation is designed to help an injured employee make a full recovery after an accident. It is supposed to provide for no more and no less; however, that is not always the case, as will be explained later.

### Who Decides How Much Compensation I Will Receive?

The two key personalities that determine how much workers' compensation an injured employee will receive are the workers' compensation judge and the Pennsylvania State Legislature. On the one hand, the judge examines the facts of each case and then makes a ruling about how much compensation is earned. In this way, the workers' compensation judge directly determines how much workers' compensation pays you.

On the other hand, the Pennsylvania State Legislature is responsible for supplying the formula and calculations that will help determine the judge's ruling. One of the many reasons why it is so difficult to pre-judge a workers' compensation case is because the circumstances of the case will determine the payout. Workers' compensation in Pennsylvania works off of a formula provided by the Pennsylvania legislature. Under that formula, medical expenses are covered, but the weekly compensation payment is based on the injured employee's average weekly wage. Because the Pennsylvania legislature sets the formula, it plays an important role in deciding the workers' compensation process.

### The Formula and What Factors Affect Compensation

This section describes the technical answer to the question: "how much does workers' compensation pay you?" There are four types of benefits that can accrue under the workers' compensation system: medical bills, lost wages, specific loss benefits, and death benefits. Death benefits only become available when an employee is killed while performing work within the scope of his or her employment.

Medical care is provided for all injured employees in Pennsylvania. The Workers' Compensation Act covers all "reasonable" medical care including the costs of the care itself as well as any necessary medical devices. It includes the full provision of medicine, hospital care, and supplies for as long as are needed to improve the health of the injured employee.

Wage-loss benefits are also available if it is determined by the workers' compensation judge that the injured employee is either unable to work due to a temporary or permanent disability or receives reduced wages due to performing work under a partial disability.

The specific formula for wage-loss benefits is based on each employee's average weekly wage. Injured workers are entitled to receive benefits equal to two-thirds of their weekly pay for a work-related injury. Adjustments to this figure are available under the Workers' Compensation Act and can

either revise the amount of wage loss benefits upward or downward. For more information about the specific calculations, please visit the Pennsylvania Department of Labor and Industry's website.

Specific loss benefits are also available under certain circumstances. As the name implies, these benefits are available when specific losses occur, such as loss of limb. The amount recoverable for those specific losses is determined by statute. For example, loss of a part of your finger will result in a specific statutory recovery, whereas loss of the whole finger will result in higher compensation and loss of the entire hand or arm will result in more compensation.

### How Long do Benefits Last?

Certain benefits such as death benefits and specific loss payments are distributed immediately absent some type of private out-of-court settlement arrangement. Wage loss payments and medical payments often have expiration dates, however.

In the case of medical payments, the ultimate question is whether the injured employee has fully recovered and been made whole by the treatment. As this is a medical determination, the treating physician tends to have significant influence in this regard. This is one of the main reasons why choosing your own doctor for treatment is so important. Often, workers' compensation insurance companies will suggest doctors for treatment. These suggestions are often traps, as the doctors selected by insurers are often more likely to discharge patients from treatment early. Once the injured employee is discharged and the injured employee is given a clean bill of health, the workers' compensation medical payments will stop.

In the case of wage loss benefits, there are two main ways that those benefits could cease being offered. First, wage loss benefits will cease if you return to work at wages equal to or more than your wage levels prior to your injury. Second, your employer can petition the workers' compensation judge to stop payments after showing good cause at a hearing. An example would be turning down an offer of employment at a comparable salary or wages to your pre-injury rate of pay. Wage loss benefits will also cease if you are offered employment at wages equal to or more than your previous wage level, you decline that job offer, and the workers' compensation judge orders the benefits be terminated after a hearing. Wage loss benefits may also cease if either the employee signs a final receipt agreeing to the cessation of workers' compensation payments or the 500-week period of partial disability status expires.

Philadelphia Workers' Comp Lawyers at [Krasno Krasno & Onwudinjo](#) Ready to Help

The workplace injury attorneys at Krasno Krasno & Onwudinjo are ready to assist you through the daunting worker's comp process. Our attorneys possess a deep understanding of the complexities associated with Pennsylvania workers' comp system. Contact our office today to schedule a consultation. Call today at 800-952-9640 or fill out a quick contact form so a member of our legal team can follow up with you.

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