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#### ■ Lump Sum Advance and Redemption Settlement

In certain cases, our agency may allow you to draw all or part of your compensation in one lump sum. This is possible by one of the following methods:

- Lump Sum Advance: Pre-payment of all or part of the present value of your employer's established and undisputed liability for compensation. Our agency may order such a payment on your application for advance payment even if your employer objects to such payment.
- Redemption of Liability: Complete and final settlement of your compensation claim by payment of a single sum to you by your employer. You are not required to accept such a settlement. A redemption is only possible after six months have elapsed from the date of injury, and it becomes final 15 days after it has been approved by our agency.

#### YOUR RESPONSIBILITIES

You must:

- ✓ Notify your employer or their insurance carrier of any wages earned during the benefit period. Michigan law does not permit the payment of weekly workers' compensation benefits to persons who are employed and receiving wages equal to or greater than wages earned on the date of injury except for specific loss or permanent and total disability. However, partial wage loss benefits may be paid if you are working and receiving wages less than those you received when you were injured. If you are receiving weekly wage loss benefits and are currently employed or return to work, you must notify your previous employer or their workers' compensation insurance carrier of your current employer's name and address.
- ✓ Submit to reasonable periodic medical examination if required by your employer or their insurance carrier.
- ✓ Cooperate with reasonable rehabilitation efforts directed toward assisting you to return to appropriate competitive employment.
- ✓ Accept a valid offer of employment from your previous employer or another employer if it is within your physical restrictions.

#### ■ Unemployment Compensation

No person may receive **full** workers' compensation benefits and unemployment insurance benefits for the same period of time from the same employer.

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#### ■ Retired Persons

Retirees are presumed not to have a loss of wage earning capacity unless there is evidence to the contrary.

#### ■ Prompt Reporting

Details of work-related accidents or disease should be reported as soon as possible to your employer, supervisors, or other persons in charge. Compensation shall be paid for disability extending beyond seven consecutive days not including the date of injury.

Failure to give notice of an accident or injury within 90 days may result in loss of rights to compensation.

When a hernia is caused by performance of work without a specific incident or accident to account for it, it is considered an occupational disease. This type of hernia must clearly be recent in origin and result from a strain arising out of and in the course of the employment, and it must be promptly reported to the employer.

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Department of Energy, Labor & Economic Growth  
Workers' Compensation Agency  
P.O. Box 30016  
Lansing, MI 48909

[www.michigan.gov/wca](http://www.michigan.gov/wca)

Toll Free (888) 396-5041

Authority: PA 317 of 1969, as amended.

Para obtener una copia de esta forma en español, llame gratuitamente al 1-888-396-5041, or visítenos por internet a la siguiente dirección: [www.michigan.gov/wca](http://www.michigan.gov/wca).

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# A Summary of Your Rights and Responsibilities under Workers' Compensation



DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

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**W**orkers' Compensation is an employee benefit established in 1912 by the Michigan Legislature. It is administered by the Michigan Department of Energy, Labor & Economic Growth, Workers' Compensation Agency (our agency) and covers most employees.

Compensation is provided for disability or death as a result of a work-related injury or disease, without regard to who may be at fault. Benefits are paid by employers (either directly or through their insurance carriers) and should not be confused with unemployment compensation, hospital, health, or accident insurance. Payments are not made by our agency or the State of Michigan.

If you don't know whether your employer has insurance coverage, ask them. You can also find out by calling our agency at the toll-free number listed on the back cover of this pamphlet, or by checking our website at [www.michigan.gov/wca](http://www.michigan.gov/wca).

The right to recovery of benefits as provided in the Workers' Disability Compensation Act is your exclusive remedy against your employer for work-related injuries or diseases. You do not have the right to sue your employer for benefits not provided for in the Act.

This pamphlet only summarizes your rights and responsibilities under the Workers' Disability Compensation Act. Your employer and/or their insurance carrier should be consulted for additional information and clarification. Our agency can also assist you.

## YOUR RIGHTS

### ■ Medical Care

You are entitled to reasonable and necessary medical care for work-related injuries or diseases. This includes medical, surgical, nursing and hospital services, and, under certain conditions, dental care, crutches and such artificial appliances as limbs, eyes, teeth, eyeglasses and hearing aids.

Employers or their insurance carriers are required by law to provide these services. During the first ten days of treatment, your employer has the right to choose the physician. After ten days you are free to change physicians, but you must notify your employer of the change.

If you receive treatment from a physician of your choice, you shall obtain and promptly furnish a report to your employer.

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If your employer or their insurance carrier shows good cause why you should not be allowed to continue treatment with a physician of your own choosing, our agency, following a hearing, may order you to discontinue that treatment.

If your employer refuses to provide medical care, you should contact our agency at the toll-free number on the back of this pamphlet.

You should not receive a bill from a health care provider for treatment of a covered work-related injury or illness. If you do receive such a bill, you should contact your employer or their insurance carrier.

### ■ Wage Loss Benefits

You are entitled to weekly compensation benefits, which may be claimed as long as a disability and wage loss continue. For most dates of injury, the benefit rate is 80% of your after-tax average weekly wage, subject to a maximum rate.

In the event you return to work at a job that pays less than you were earning at the time of injury, because you are still unable to perform your previous job duties, you are entitled to partial compensation benefits.

If you lose an eye, finger, arm or other body member, you are entitled to a specific amount for a prescribed number of weeks. If at the end of the specific loss period you still have a wage loss due to the injury, you may be entitled to further disability benefits.

### ■ Prompt Payment

Prompt payment of benefits is required by law. The first payment is due on the 14<sup>th</sup> day after your employer has notice or knowledge of a disability or death, and all compensation accrued should be paid weekly.

If payments are late, contact your employer or their insurance carrier. If the matter is not resolved to your satisfaction, contact our agency.

### ■ Coordination of Benefits

If you are eligible for, or are receiving, old-age social security benefits, pension or retirement benefits, or benefits under a wage continuation plan, self-insurance plan, or disability insurance policy paid for by your employer, there will be an offset or coordination of benefits. This does not apply to specific losses such as fingers, eyes, arms, and legs, nor does it apply to social security disability insurance benefits.

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### ■ More Than One Employer

For benefit calculation purposes, if you work for more than one employer, you get credit for all wages earned in all employments covered under the Workers' Disability Compensation Act.

### ■ Vocational Rehabilitation

If you are unable to perform the work that you have done previously you are entitled to vocational rehabilitation. The number one goal is a return to your previous employer. If you cannot do this or require assistance in finding a new job, vocational rehabilitation services can help.

Vocational rehabilitation is a professional service designed to assist you with returning to the workforce. A vocational counselor will help you develop a rehabilitation plan, which may include job placement assistance, retraining support, or guidance in starting your own business. Your employer or their insurance carrier is encouraged to voluntarily provide such services, or you may request a vocational evaluation yourself. The agency may also order an evaluation when necessary.

### ■ Vocational Rehabilitation Hearings

If you and your employer or their insurance carrier cannot agree upon a rehabilitation program, you have the right to a vocational rehabilitation hearing before the agency.

### ■ Hearing/Mediation

If you disagree with any decision of your employer or their carrier, you may file an application for hearing. The application form can be obtained from our agency by calling our toll-free number listed on the back cover of this pamphlet.

You are entitled to mediation if:

- Your claim concerns a definite period of time and you have returned to work.
- Your claim is for medical benefits only.
- You are not represented by an attorney.
- Our agency determines that the dispute may be resolved by mediation.

If your claim is not resolved by mediation, your case will be heard before a magistrate.

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