DISABILITY BENEFITS

If you are injured at work, you may be entitled to disability benefits.

TYPES OF DISABILITY BENEFITS

Temporary Total Disability (TTD) [85.32, 85.33(1)]
When you are off work more than three calendar days on account of injury, you may be entitled to temporary total disability benefits. The eligibility for these benefits is based on functional impairment. Appendix A gives a list of the scheduled body members (i.e. arm, leg, etc.) along with the number of weeks of benefits you would receive for the full loss of each scheduled body member.

If your injury is to a scheduled member your PPD benefits are based on functional impairment related to the injury, and loss of ability to do your old job or loss of earnings because of the injury.

No specific guidelines advise how any factor is to be considered in a particular case. Each industrial disability case must be decided on its facts. Industrial disability is calculated on a 500 week basis with the percentage rating multiplied by 500 weeks. If the employer offers work at the same or greater wage, an injured employee is only entitled to the functional rating until terminated from employability. The employer can request a reopening and determination of industrial disability.

Permanent Total Disability (PTD) [85.34(3)]
If your work related injury leaves you incapable of returning to any type of wage earning employment, you may be entitled to permanent total disability benefits during that time when you cannot return to any gainful work.

Death Benefits (85.28, 85.41, 85.42)
If you were dependent on someone who died as a result of an industrial injury or death, you are entitled to compensation benefits. A surviving spouse may receive death benefits for life or until remarriage. Dependent children are entitled to death benefits until they reach age 25. The Workers’ Compensation Commissioner’s approval of the settlement contains you and your employer’s (and its carrier’s) agreement that you are entitled to disability benefits. It does not end your rights to additional weekly benefits or additional medical benefits.

Vocational Rehabilitation Benefits (85.70)
You may be entitled to payment of $100.00 per week for up to 13 weeks if you are actively participating in a vocational rehabilitation program in order to make it possible for you to return to gainful employment after your injury. If you continue in vocational rehabilitation, the workers’ compensation commissioner may extend the $100.00 for an additional 13 weeks.

If you have suffered a shoulder injury, please contact your local IWDO office to determine if you are eligible for career vocational training.

Iowa Vocational Rehabilitation Services (IVRS) assists persons with disabilities to prepare, obtain and maintain employment.

Phone: 510 East 12th Street, Des Moines, IA 50319
800-532-1486 or 515-281-4211

OTHER BENEFITS

Second Injury Fund Benefits [85.63-85.69]
If you have had a permanent disability to a hand, arm, foot, leg or eye, you may be entitled to “Second Injury Fund” benefits. These benefits are paid for any amount that industrial disability is greater than the combined scheduled member disability from both the first and second disabilities. These benefits are only paid after your employer or its insurance carrier has paid all scheduled member permanent partial disability benefits due on account of the second injury.

If you believe you are entitled to benefits from this Fund, contact the State of Iowa Treasurer’s Office to obtain a claim form.

Types of settlements:

- Compromise settlement is a voluntary agreement between you and your employer’s (and its carrier’s) agreement that you are entitled to disability benefits. It does not end your rights to additional weekly benefits or additional medical benefits.

AGREEMENT FOR SETTLEMENT (85.35, 86.13)
An agreement for settlement is a voluntary agreement between you and your employer (or its carrier) as to the amount and kind of weekly benefits you are currently due. The Workers’ Compensation Commissioner’s approval of the agreement does not end your future rights to additional weekly benefits or additional medical benefits.

COMPROMISE SETTLEMENT (85.35)
A compromise settlement is a voluntary agreement between you and your employers (and its carrier) as to your entitlement benefits. An approved compromise settlement ends all rights to future benefits and may end all rights to medical benefits for the settled injury.

TIME LIMITATIONS (85.23)
Unless your employer has notice or knowledge of your asserted injury within 90 days of its occurrence, you may be denied benefits after that period. If you do not file within this time period, you shall have no right or claim to your asserted injury or benefits may be denied.

Three-year statute of limitation (85.26)
If you have received Iowa workers’ compensation benefits, you have three years from the last payment of those weekly benefits to receive additional benefits voluntarily, or to file a contested case proceeding for benefits. If you do not file within this time period, you shall lose all future rights to additional weekly benefits. (You can file a contested case proceeding or voluntarily receive medical benefits reasonable and necessary to treat your injury throughout your lifetime.)

MEDICAL INFORMATION

Any party making or defending a claim for compensation must provide medical information concerning the employer’s physical or mental condition relative to the claim and waives any confidentiality concerns you may have. The information shall be made available to any party or the party’s representative upon request. (85.27)
This brochure answers questions injured workers commonly ask about workers’ compensation. You may check Iowa Code chapters 85 through 87 and 17A, as well as Iowa Administrative Code chapter 876, for detailed information. References to Iowa Code sections and Iowa Administrative Rules appear in parentheses. Attendance at a hearing is not required to file a claim.

WHAT IS WORKERS’ COMPENSATION?
The Iowa Workers’ Compensation law requires most employers to provide wage loss and medical benefits to employees who are injured while working. [85.3(1)]

TYPES OF INJURIES COVERED
In Iowa, an injury may include any health condition caused by work activities other than the normal building up and tearing down of body tissues. Diseases and hearing losses caused by work activities or exposures are also injuries. [85A, 85B] Preexisting health conditions are not considered injuries unless work aggravates or worsens them.

ELIGIBILITY FOR WORKERS’ COMPENSATION BENEFITS
Most employees who are injured in Iowa while working in Iowa are eligible for benefits. The law exempts a few types of employees, however. If you are certain as to whether employees in your job classification are eligible for benefits, consult with a Workers’ Compensation Compliance Administrator with the Division of Workers’ Compensation.

CHOOSING THE MEDICAL CARE
The employer has the right to choose the medical care and must provide medical care reasonably suited to treat the injury. If you are dissatisfied with that care, you should discuss the problem with your employer (or its insurance carrier). You can request alternate care, and if your employer (or its carrier) does not agree, you can file a petition for alternate medical care before the Iowa Workers’ Compensation Commissioner. [85A.4, 85.6(13)]

WHEN ARE THE BENEFITS TO BE PAID?
When a dispute cannot be resolved among the parties, the Division of Workers’ Compensation Commissioner, or a claim administrator if the employer is self-insured, will issue a contested case proceeding before the Iowa Workers’ Compensation Commissioner to resolve the dispute. The Division does not resolve disputes. You may check Iowa Code chapter 876, for detailed information. Attendance at a hearing is not required to file a claim.

WHO PAYS THE BENEFITS?
When a dispute cannot be resolved among the parties, the Division of Workers’ Compensation Commissioner, or a claim administrator if the employer is self-insured, will issue a contested case proceeding before the Iowa Workers’ Compensation Commissioner to resolve the dispute. The Division does not resolve disputes. You may check Iowa Code chapter 876, for detailed information. Attendance at a hearing is not required to file a claim.

WHO OVERSEES DISPUTES?
The Iowa Workers’ Compensation Commissioner is the head of the Division of Workers’ Compensation which is part of Iowa Workforce Development. The commissioner is responsible for administering, regulating and enforcing the workers’ compensation laws. By law, the Division of Workers’ Compensation cannot represent the interest of any party. The Division does provide information regarding the workers’ compensation law, the rights of the parties and the procedures the parties can follow to resolve their disputes.

WHO PAYS THE BENEFITS?
Employers subject to the law must either purchase insurance through a private insurance company or qualify as a self-insurer. [85.3, 87.1, 87.11] If the employer provides coverage by purchasing an insurance policy, the insurance company (or the claim administrator) pays the injured worker the workers’ compensation benefits. If the employer is self-insured, the employer (or a claim administrator) pays the injured worker the workers’ compensation benefits.

WHERE ARE THE BENEFITS TO BE PAID?
The law encourages prompt payment of weekly and medical benefits so that injured workers will not suffer undue hardship. Most insurance carriers or self-insured employers require a written report of injury (usually from the employer) and medical evidence of the injury before beginning payments. Weekly payments of benefits are designed to keep injured workers off the public dole. Weekly payments of disability benefits are designed to keep injured workers off the public dole. Weekly payments of benefits so that injured workers will not suffer undue hardship.

WHAT IS THE LIMIT ON BENEFITS?
Under Iowa law, the maximum weekly wage loss benefit is $700.00 per week. The maximum wage loss benefit is the lesser of (1) 40% of the employee’s average weekly wage (AWW) or (2) $700.00 per week. The maximum benefits payable is 156 weeks for permanent total disability and 190 weeks for permanent partial disability (85.1A, 85.6(13)].

WHEN ARE THE BENEFITS TO BE PAID?
While the employer is responsible for compensating the injured worker, the employer is not responsible for filing the claim. The person and entity filing the claim is responsible for filing the claim timely. The Iowa Workers’ Compensation Commissioner is the head of the Division of Workers’ Compensation which is part of Iowa Workforce Development. The commissioner is responsible for administering, regulating and enforcing the workers’ compensation laws. By law, the Division of Workers’ Compensation cannot represent the interest of any party. The Division does provide information regarding the workers’ compensation law, the rights of the parties and the procedures the parties can follow to resolve their disputes.

WHO OVERSEES DISPUTES?
The Iowa Workers’ Compensation Commissioner is the head of the Division of Workers’ Compensation which is part of Iowa Workforce Development. The commissioner is responsible for administering, regulating and enforcing the workers’ compensation laws. By law, the Division of Workers’ Compensation cannot represent the interest of any party. The Division does provide information regarding the workers’ compensation law, the rights of the parties and the procedures the parties can follow to resolve their disputes.

WHO PAYS THE BENEFITS?
Employers subject to the law must either purchase insurance through a private insurance company or qualify as a self-insurer. [85.3, 87.1, 87.11] If the employer provides coverage by purchasing an insurance policy, the insurance company (or a claim administrator) pays the injured worker the workers’ compensation benefits. If the employer is self-insured, the employer (or a claim administrator) pays the injured worker the workers’ compensation benefits.

WHERE ARE THE BENEFITS TO BE PAID?
The law encourages prompt payment of weekly and medical benefits so that injured workers will not suffer undue hardship. Most insurance carriers or self-insured employers require a written report of injury (usually from the employer) and medical evidence of the injury before beginning payments. Weekly payments of benefits are designed to keep injured workers off the public dole. Weekly payments of disability benefits are designed to keep injured workers off the public dole. Weekly payments of benefits so that injured workers will not suffer undue hardship.