

LHWCA and extensions:

- Longshore and Harbor Workers' Compensation Act (LHWCA)
 2004 classes
- 33 U.S.C. §901 et seq.;
 Outer Continental Shelf Lands Act (OCSLA) 43 U.S.C. § 1331 et. seq.;
- Non-Appropriated Funds Instrumentality Act (NAFIA)
- 5 U.S.C. § 8171 et. seq.; • Defense Base Act (DBA)
- 42 U.S.C. § 1651 et. seq.; and
- War Hazards Compensation Act (WHCA) 42 U.S.C. § 1701 et. seq.

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Contact Us:

National Office

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Benefits Under the DBA



- Death Benefits
- Vocational Rehabilitation

Medical Benefits

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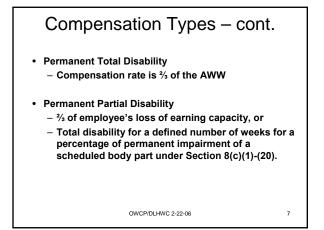
Reference: 33 U.S.C. §907

- Medical treatment by a physician of the employee's choice
- Medical care must be related to the employment injury or illness
- Medical treatment is payable for as long as the injury or illness requires
- Opinion of treating physician is entitled to greater weight over employer/carrier examination

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Compensation Types

- What are the types of disability? Temporary Total Disability (TTD), Temporary Partial Disability (TPD), Permanent Total Disability (PTD), Permanent Partial Disability (PPD). PPD can be scheduled or unscheduled.
- Temporary Total Disability (TTD) % of the Average Weekly Wage (AWW) e.g. AWW = \$1500 TTD = \$1500 x % = \$1000
- Temporary Partial Disability (TPD) Compensation for Loss of Wage Earning Capacity (LWEC) % of employee's loss of wages
 e.g. Earnings prior to injury = \$1500
 - e.g. Earnings prior to injury = \$1500 Earnings after injury = \$500 -\$1000
- TPD = \$1000 x ²/₃ = \$666.67 per week
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Death Benefits

- Burial Expenses of up to \$3,000.
- 50% of AWW for the surviving spouse, or if no spouse, for one surviving child.
- 16%% of AWW for one or more surviving children, shared equally, in addition to the 50% for spouse and one child.
- Child benefit is paid up to age 18, student benefit through age 23 if in school full-time.

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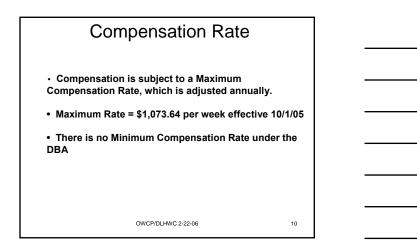
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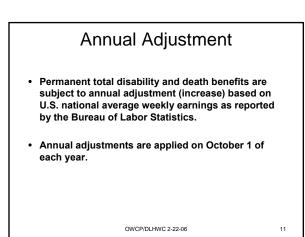
Average Weekly Wage

- Determination of AWW is based upon "average annual earnings" divided by 52 weeks.
- Preferred method is Section 910(a), which uses claimant's actual earnings for year prior to injury if claimant is a 5- or 6-day worker and has worked "substantially" the whole of the year.
- Alternatively, Section 910(b) uses earnings of a similarly situated worker.
- The last alternative is Section 910(c), which is the "catch-all" provision.
- Compensation rate is calculated by multiplying AWW by 66³/₃% (or ²/₃).

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Benefits Under the DBA





Lifetime Payments

Permanent disability is payable as long as disability continues. Spousal death benefit is payable for life, unless remarried.

EXAMPLE:

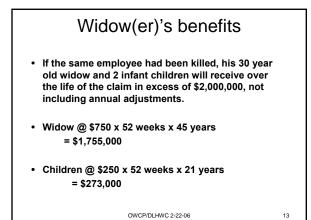
A 40 year old earning \$1500/week can expect to receive permanent total disability benefits over his 35 year life expectancy: $\frac{2}{3}$ (\$1,500) x 52 weeks x 35 years = \$1,820,000, not

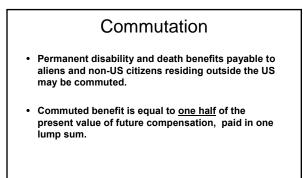
including cost of living adjustments

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Benefits Under the DBA





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Vocational Rehabilitation Benefits

- Vocational Rehabilitation services for permanently disabled employees unable to return to employment without assistance.
- Services can include placement with previous employer in a modified position, placement with a new employer, or retraining.
- Currently rehabilitation services are only available to those permanently disabled employees residing in the United States.
- Cost of vocational rehabilitation is paid for by the U.S. Department of Labor, although claimant may be entitled to Temporary Total Disability during retraining.

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