



Understanding Your Schedule Loss of Use Award



Does your permanent injury entitle you to compensation?

What is a Schedule Loss of Use award?

A *Schedule Loss of Use (SLU) award* is a cash benefit to pay you for the loss of earning power resulting from a permanent functional impairment of a body part as a result of your on-the-job injury.

An SLU award may be made for injuries to any of the following:

Arm (shoulder and elbow)	Toes and/or Great Toe
Hand (wrist and forearm)	Eyesight (loss of vision)
Fingers and/or Thumb	Hearing (loss of hearing)
Leg (hip and knees)	Disfigurement (face/scar, neck, scalp)
Foot (ankle)	

Who is eligible for an SLU award?

To be eligible for an SLU award, you must meet the following requirements:

- You have recovered to the greatest extent possible from your injury.
- Your doctor has submitted a medical report that follows the current Permanent Impairment Guidelines.
 - In the report, your doctor must state that you have reached maximum medical improvement (MMI).
- You have a permanent loss of function in the injured body part as a result of your on-the-job injury.

Permanent loss of function may result from damage to bone, muscles, cartilage, tendons, nerves, blood vessels and other tissues.

An SLU award compensates you for permanent loss of earning power, as determined by the Workers' Compensation Board (Board) and consistent with Workers' Compensation law and guidelines.

How is MMI determined?

You should ask your doctor about your progress and whether you have reached MMI. When your doctor says you have reached MMI, he or she must submit a medical report to the Board that states that you are at MMI. The report must include an examination of the injured body part, and state the percentage of functional use you have permanently lost in the body part you injured.

For example, the report may state that you have 25% less function than you had before your injury. This is also called a schedule loss of use, or SLU.

What happens after a doctor's medical report is submitted?

- If the insurer agrees with your doctor's SLU percentage, then that percentage will be used to calculate the number of weeks of benefits and the payment you will receive.
- If the insurer does not agree with your doctor's percentage, the insurer may obtain an opinion from its consultant or Independent Medical Examiner (IME).
 - The Board will consider the medical reports on permanency and SLU percentage from your doctor and the IME, and will issue a decision about your SLU percentage.
 - This percentage will then be used to figure out the number of weeks of benefits and the payment you will receive.
- After the decision is filed, the insurer has 10 days to pay. If there is a dispute, either party can appeal within 30 days of the decision.

Contact the NYS Workers' Compensation Board

Call: (877) 632-4996 (Monday-Friday: 8:30 a.m. to 4:30 p.m.)

Email: claims@wcb.ny.gov

Visit: wcb.ny.gov



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How much is an SLU award?

Your SLU award is determined by Workers' Compensation law (statute), which contains a schedule (list) of the maximum number of weeks of benefits you can receive according to the body part you have permanently injured. The schedule is below:

MAXIMUM POSSIBLE WEEKS OF COMPENSATION							
Body Part	Weeks	Body Part	Weeks	Body Part	Weeks	Body Part	Weeks
Arm	312	Foot	205	First Finger	46	Fourth Finger	15
Leg	288	Eye	160	Second Finger	30	Big Toe	38
Hand	244	Thumb	75	Third Finger	25	Other Toe	16

Using this schedule, your award is calculated based on the following:

1. The body part you injured.
2. The percentage of loss of function or SLU % as decided by the Judge.
3. Your average weekly wage.

Your average weekly wage (AWW) is based on your total gross earnings for the 52 weeks before the date of injury or illness (not take-home pay), including overtime and other compensation. Your AWW is calculated by dividing your total gross earnings by 52. For example, if your gross earnings are "\$x", you would divide "x" by 52 to obtain your AWW.

The following is an example of a Schedule Loss of Use award calculation: A worker loses 25% of the use of her arm due to a work-related injury and her average weekly wage (AWW) is \$900.

Maximum Weeks Allowed of SLU Benefits	Percentage of Loss of Use	Duration of Weekly SLU Benefits (312 x 25%)	Average Weekly Wage	Weekly SLU Benefit (AWW x 2/3)	*Total Amount of SLU Award (78 x \$600)
312	25%	78	\$900	\$600	\$46,800

**Any prior payments of temporary benefits will be subtracted from the total SLU award.*

How are awards paid?

Any temporary benefits you have already been paid will be deducted from your SLU award. Your employer may be reimbursed any wages paid to you while you were out of work. These funds will also be deducted from your SLU award. The remaining amount will be paid in one of the following ways:

- You'll get your regular workers' compensation checks until the SLU award is fully paid, or
- You can receive a lump sum payment of your SLU award. If your decision is rendered at a hearing, you can ask for the lump sum at that time, or you can write to the Board to request it. The Board will then direct the insurer to issue you a check for the lump sum.

QUESTIONS

The Workers' Compensation Board (Board) can help you understand your Schedule Loss of Use claim.

To reach the Board, call **(877) 632-4996** or email claims@wcb.ny.gov.

When contacting the Board, please have the following information ready:

- Your name and WCB case number
- Telephone number (with area code)
- Brief description of the issue
- Any documents or letters received

The New York State Workers' Compensation Board protects the rights of employees and employers by ensuring the proper delivery of benefits and by promoting compliance with the law. To learn more about the Board, visit wcb.ny.gov.