

# MICHIGAN WORKERS' COMPENSATION

## A Basic Guide

*Although You Should Speak to an Experienced Michigan Workers' Compensation Attorney about the Specific Facts and Circumstances of Your Injury or Illness, All Workers Should Have a Basic Understanding of the Michigan Workers' Compensation System*



**Slusky & Walt, PC**  
Injury & Disability Attorneys



If you are like most workers, you go to work each day without being overly concerned about being involved in a workplace accident or suffering from an illness related to your work. Unfortunately, however, workplace accidents and illness happen far more frequently than most people realize. Contrary to what many people believe, you don't have to work in an industry known for being dangerous, such as law enforcement, to be at risk for a workplace injury or illness. In fact, the healthcare industry has one of the highest rates of on the job injuries of all industries in the United States. If you are injured, or become ill, as a result of your employment in the State of Michigan you may be entitled to workers' compensation benefits. Although you should speak to an experienced Michigan workers' compensation attorney about the specific facts and

circumstances of your injury or illness, all workers should have a basic understanding of the Michigan workers' compensation system.

## What Is Workers' Compensation in Michigan?



The Michigan workers' compensation system is intended to provide an efficient method by which an injured or ill worker can receive benefits when the injury or illness is work related. Prior to the development of state workers' compensation systems, workers were forced to seek compensation for work related injuries and illnesses by pursuing a traditional personal injury lawsuit. All too often a worker was unable to prove negligence, or fault, on the part of an employer, meaning the worker was not compensated at all. Even if a worker did prevail in court, it frequently took months, even years, before any compensation was actually received by the worker.

The workers' compensation system is a no-fault system. By eliminating the need to prove negligence on the part of the employer the workers' compensation system provides a streamlined method of compensating injured and ill workers. A worker must only show that he or she is a covered worker and that the injury or illness "arose out of and in the course of the employment" to qualify for benefits.

## Are you a Covered Worker?

The Michigan Workers' Disability Compensation Act (the "Act") requires almost all employers to cover almost all workers. As a general rule, an employer who



employs three or more employees at the same time, or who employs one or more worker(s) for 35 hours a week or more for 13 weeks or more, must provide coverage. There are, however, some exceptions to workers' compensation

coverage, including, but not limited to:

- Federal employees who are covered under a federal workers' compensation system
- Agricultural workers *may be* exempt from required coverage
- Partners and officers of small corporation may exempt themselves

- Sole proprietors (though employees of the sole proprietor must be covered)
- Family members *may be* exempt
- Independent contractors

Disputes often arise as to whether or not someone is an employee or an independent contractor. According to Section 418.161(n) of the Act, an employer-employee relationship exists for the purposes of workers compensation coverage if:

“The services are performed by an individual whom the Michigan administrative hearing system determines to be in an employer-employee relationship using the 20-factor test announced by the Internal Revenue Service of the United States Department of Treasury.”

## Michigan Workers' Compensation Benefits



workers' Compensation system.

A worker who suffers a workplace accident, or who becomes ill as a result of his or her employment, may be entitled to medical treatment, rehabilitation, and wage replacement benefits through the Michigan



Medical benefits cover the costs related to treating the injury or illness. According to the Act, a worker is entitled to “all reasonable and necessary medical care”. This may include costs related to medical, surgical, and hospital services, dental services, crutches, hearing apparatus, chiropractic treatment, and nursing care. Medical benefits continue as long as the worker needs the care. Vocational rehabilitation benefits are broadly defined and are specific to the worker’s needs and the employer’s abilities. Benefits may be as simple as an adjustment to the worker’s job duties with the original employer or could entail an outside vocational rehabilitation agency assisting the worker to retrain for a job with another employer. Wage replacement benefits are intended to provide a worker with income during the time the worker is unable to work as a result of the injury or illness. Wage replacement benefits may be temporary or permanent as well as total or partial, depending on the extent of the injury or illness. The amount of wage replacement benefits a worker receives is calculated using the worker’s average weekly wage, or AWW. Typically, the AWW is calculated using the highest 39 of the last 52 weeks of the worker’s wages. A worker’s weekly wage replacement benefit is approximately 80 percent of the AWW after taxes.

Death benefits and certain types of special benefits may also be available if a worker is fatally injured, suffers a terminal illness, suffers a "specific loss, or is permanently and totally disabled. If any of these situations apply, additional benefits may be available to the worker and/or the worker's dependents.

## Applying for Michigan Workers' Compensation Benefits

The first step for an injured or ill worker is to report the injury or illness to a



supervisor. Your employer should notify their workers' compensation carrier as well as file the claim with the Michigan Workers' Compensation Agency, the agency that handles claims. Medical benefits should be available immediately; however, wage replacement benefits are not paid for the first seven days of a claim unless the wage loss continues for 14 days or more in which case benefits

will be paid retroactive to the first day of wage loss. After the claim has been filed, the worker will receive either a notification that the claim has been approved or a notice of denial. If the claim is denied, the worker has a right to appeal the denial.

Although the Michigan workers' compensation system is intended to be an efficient, streamlined method of compensating injured and ill workers, the

system can be difficult to navigate. Valid claims are frequently denied for a variety of reasons. If you have suffered a workplace accident or illness in Michigan, consult with an experienced Michigan workers' compensation attorney right away to ensure that your rights are protected and you receive all the benefits to which you are entitled.

## References

Workers' Compensation Agency, [Worker Information](#)

Workers' Compensation Agency, [An Overview of Workers' Compensation in Michigan](#)

Michigan Workers' Compensation Placement Facility, [Workers' Compensation and Employers' Liability Insurance](#)



## About Slusky& Walt, P.C.



We are experienced personal injury accident lawyers and have been successful with many settlements and jury verdicts in cases ranging from automobile accidents to dog bite injuries.

We treat every case with the aggressiveness and seriousness you would expect be given to your claim. In the event your case requires outside expertise, we have a network of trusted associates that we can refer your case to help you get the benefits you deserve.

No matter how you have been injured, please call us at 1-800-ABE HELPS. Every consultation is free and there is no fee unless we win your case.

We are experienced personal injury accident lawyers and have been successful with many settlements and jury verdicts in cases ranging from automobile accidents to dog bite injuries.

We treat every case with the aggressiveness and seriousness you would expect be given to your claim. In the event your case requires outside expertise, we have a network of trusted associates that we can refer your case to help you get the benefits you deserve.

No matter how you have been injured, please call us at 1-800-ABE HELPS. Every consultation is free and there is no fee unless we win your case.



**Denied Social Security Benefits?**

**1-800-ABE-HELPS**

1-800-223-4357

*Thousands helped. Millions won.*

A dark red banner with a white statue of Abraham Lincoln on the left. The text is in white, with the phone number in a larger, bold font. The tagline is in a smaller, italicized font at the bottom right.