

Workers' Compensation Benefits

Cash Benefits

Cash benefits are not paid for the first seven days of the disability, unless it extends beyond fourteen days. In that case, the worker may receive cash benefits from the first work day off the job. Necessary medical care is provided no matter how short or how long the length of the disability.

Claimants who are totally or partially disabled and unable to work for more than seven days receive cash benefits. The amount that a worker receives is based on his/her average weekly wage for the previous year. The following formula is used to calculate benefits:

$$\frac{2}{3} \times \text{average weekly wage} \times \% \text{ of disability} = \text{weekly benefit}$$

Therefore, a claimant who was earning \$400 per week and is totally (100%) disabled would receive \$266.67 per week. A partially disabled claimant (50%) would receive \$133.34 per week. The weekly benefit cannot exceed the following maximums, however, which are based on the date of accident:

If you can return to work but your injury prevents you from earning the same wages you once did, you may be entitled to a benefit that will make up two-thirds of the difference.

Schedule of Benefits

Date of Accident	Weekly Maximum Total / Partial
July 1, 2018 - June 30, 2019	\$904.74 / \$904.74
July 1, 2017 - June 30, 2018	\$870.61 / \$870.61
July 1, 2016 - June 30, 2017	\$864.32 / \$864.32
July 1, 2015 - June 30, 2016	\$844.29 / \$844.29
July 1, 2014 - June 30, 2015	\$808.65 / \$808.65
July 1, 2013 - June 30, 2014	\$803.21 / \$803.21
July 1, 2012 - June 30, 2013	\$792.07 / \$792.07
July 1, 2011 - June 30, 2012	\$772.96 / \$772.96
July 1, 2010 - June 30, 2011	\$739.83 / \$739.83
July 1, 2009 - June 30, 2010	\$600 / \$600
July 1, 2008 - June 30, 2009	\$550 / \$550

July 1, 2007 - June 30, 2008	\$500 / \$500
July 1, 1992 - June 30, 2007	\$400 / \$400
July 1, 1991 - June 30, 1992	\$350 / \$350
July 1, 1990 - June 30, 1991	\$340 / \$280
July 1, 1985 - June 30, 1990	\$300 / \$150

The maximum benefit amount adjusts every July 1. It is based on the New York State Average Weekly Wage for the previous calendar year as reported by the Commissioner of Labor to the Superintendent of Insurance on March 31 of each year.

Note: The benefit rate a claimant receives (determined by his/her date of injury) does not increase if new maximum benefits are adopted into law.