



The Mississippi Workers' Compensation Commission (**MWCC**) does not pay claims related to on-the-job injuries. Benefits are paid by the injured worker's employer, that employer's workers' compensation insurance carrier or a third party administrator hired for the purpose of paying benefits. If one has a claim but is unable to identify who is responsible for paying the claim, write or call the Mississippi Workers' Compensation Commission for additional information.

The MWCC office is located at:

1428 Lakeland Drive
Jackson, MS 39216

The MWCC mailing address is:

P. O. Box 5300
Jackson, MS 39296

The MWCC telephone number is:

601 987 4200

Additional information is also available at these WEB sites:

www.mwcc.ms.gov
www.mwcea.org



This brochure was prepared for distribution by the Mississippi Workers' Compensation Educational Association, Inc. (MWCEA). It is an organization whose stated purpose is to promote, encourage and foster the advancement of education in the field of workers' compensation through the dissemination of knowledge by publications, seminars, lectures and other means. The size of this brochure will not permit every issue regarding Mississippi Workers' Compensation to be addressed nor will every question one might have be answered. The MWCEA does not provide legal services nor is it involved in the adjudication of any disputes that might arise in the handling of workers' compensation claims.

To contact the MWCEA write:

P. O. Box 13508
Jackson, MS 39236-3508



MISSISSIPPI WORKERS' COMPENSATION LAW

EMPLOYEE'S BROCHURE

What should a person do in the event of an injury?

Report the injury immediately to the employer. Notice of the injury to the employer is required, and a late reporting or a lack of cooperation in the investigation of a claim could jeopardize entitlement to benefits.

How long does one have to make a claim?

If no compensation (other than medical) benefits are paid, the injured worker generally has 2 years from the date of injury to formally file a claim with the Mississippi Workers' Compensation Commission.

Attorney Representation

An injured worker has the right to have an attorney represent him or her in a workers' compensation claim, but one is not required to have an attorney. When an attorney is hired, the attorney is entitled to a fee of up to 25% of the employee's benefits recovered (or up to 33 1/3rd% in certain appeals).

Are there defenses to a claim?

Yes:

1. No benefits are payable if the employee is intoxicated by drugs or alcohol at the time of the injury and that intoxication is the proximate cause of the injury.
2. No benefits are payable if the employee is injured while intentionally trying to cause injury to himself or another.
3. There are statutes of limitation which could be applicable.
4. Permanent disability or death benefits could be reduced where the employee has a pre-existing condition that contributes to the disability or death.

Can a claim be settled?

Yes. The Commission considers settlements on Tuesdays and Wednesdays of each week.

Workers' Compensation Benefits

Temporary Total Disability

When medical opinions support the fact that a person cannot work at all because of an injury, benefits are paid at the rate of 2/3rds of the injured workers' average weekly wage, subject to a statutory minimum and a weekly maximum set by law that changes annually. A list of the minimum and maximum weekly rates is available on the internet at www.mwcc.ms.gov.

Compensation benefits are usually paid every 2 weeks and usually continue until the release to return to work, but for no longer than 450 weeks.

No compensation is paid for the first 5 days of disability. If the disability lasts longer than 14 days, the 5 day waiting period does not apply.

Temporary Partial Disability

If one is allowed to return to light work temporarily and earns less than he or she had been earning before the injury, benefits based on 2/3rds of the difference in the pre-injury and post-injury wages could be payable.

Permanent Partial Disability

If one suffers a permanent impairment because of the injury, additional benefits could be payable based on the extent to which that permanent impairment causes a loss of the ability to earn wages, subject to statutory limitations.

Permanent Total Disability

If one is unable to return to any job because of injury, workers' compensation benefits are payable for a maximum of 450 weeks. Loss of both hands, feet, arms, legs or eyes, or any combination, is permanent total disability.

Death Benefits

If an injury causes death, benefits are payable to the dependents of the deceased for a maximum of 450 weeks. A funeral allowance and a small immediate lump sum payment to a surviving spouse is also payable.

Medical Benefits

How long are medical benefits payable?

Medical benefits related to an injury can be payable for the life of an injured worker if necessary, although there are some limitations which could be applicable.

Does the injured worker have his own choice of physician?

Yes, with certain limitations. In the event of an injury, the injured worker's employer is required to tender to the employee medical treatment, and the employee has the right to accept that tender of treatment or to choose a different doctor.

Physician choice can be documented in writing, and choice is made automatically by undergoing surgery by a doctor or remaining under treatment by the doctor for 6 months or longer. The chosen doctor can refer the injured employee to one physician in as many specialty categories as are necessary to properly treat the injured worker.

Fee Schedule. The MWCC has adopted a fee schedule that determines the amount medical providers can be paid for treating an injury. Payments for the necessary and reasonable medical services related to the injury are controlled by that fee schedule.

Travel expense. Travel to and from medical treatment is reimbursed to the employee at a rate set by the Commission, and the amount is usually the same as the IRS travel rate established for tax purposes. The rate changes from time to time, and a list of the applicable mileage reimbursable rates is available on the internet at the MWCC WEB site, www.mwcc.ms.gov, or by calling the MWCC at 601 987 4200.

Fraud Notice

It is important to remember that it is a crime to make a false statement for the purpose of obtaining workers' compensation benefits.