

## Mississippi Workers' Compensation

Jeopardy!

Your Host  
Dan Baker

2

## Your Host

- Dan Baker
- Wilkins Tipton, P.A.
- Workers' Compensation 22 years

3

## Let's Meet Our Contestants

- Willie Abston – *Butler, Snow, O'Mara, Stevens & Cannada, PLLC*
- *Willie has been practicing Workers' Comp for 18 years*

4

## Let's Meet Our Contestants

- Jay Atkins
- *Leitner, Williams, Dooley & Napolitan, PLLC*
- *Offices in Atlanta, Memphis, Knoxville, Chattanooga, Nashville and;*
- *Jay Recently opened the firm's Oxford, MS office*

5

## Let's Meet Our Contestants

- Pete Mills
- Rehabilitation, Inc. –Rehab Review
- Certified Rehab Counselor
- Certified Case Manager
- M.Ed. And B.S. Miss. State Univ.

6

Benefits	Forms	Disability	Misc.	Fingers
100	100	100	100	100
200	200	200	200	200
300	300	300	300	300
400	400	400	400	400
500	500	500	500	500

7

### Benefits Question- 100

- The Comp Act provides specific numbers of weeks for these injuries.

**ANSWER**

8

### Benefits Answer- 100

- What are Scheduled Members?



9

### Benefits Question 200

- Maximum benefits payable for an arm.

**ANSWER**

10

### Benefits Answer 200

- What are 200 weeks Alex?



11

### Benefits Question 300

- The loss of two of these results in permanent total disability.

**ANSWER**

12

### Benefits Answer 300

- What are two scheduled members?



13

### Benefits Question 400

- Waiting period for payment of Temporary Total Disability.

**ANSWER**

14

### Benefits Answer 400

- What is 5 days?



15

### Forms Question100

- Form used to initiate TTD benefits.

**ANSWER**

18

### Forms Answer- 100

- What is a B-18?



19

### Forms Question- 200

- This form is used to change from TTD to PPD.

**ANSWER**

20

### Forms Answer- 200

- What is a B18?



21

### Forms Question- 300

- A form filed at the completion of all payments.

**ANSWER**

22

### Forms Answer- 300

- What is a B-31?
- Starts a one year period for claimant to "request" medical benefits of any kind.



23

### Forms Question- 400

- Another name for a B-52.

**ANSWER**

25

### Notice of Controversion

- Filed by Employer and Carrier
- In a denied claim within 14 days of accident



27

### Forms Question- 500

- When filing a B-31 on an unrepresented claim, this is the most important part of a "good" filing.

**ANSWER**

28

### Forms Answer- 500

- What is proof that the claimant had the opportunity to sign the form?



29

### Disability Question- 100

- A 5% rating to the arm results in this many weeks of PPD, at a minimum.

ANSWER

30

### Disability Answer- 100

- What are 10 weeks?



31

### Disability Question- 200

- True or False: Payment of ratings to scheduled members are discretionary on the part of Employer/Carrier.

ANSWER

32

### Disability Answer- 200

- What is false?
- Owed automatically unless rating is disputed and SMO is being obtained.



33

### Disability Question- 300

- True of False:
- Ratings to the body are automatically paid.

ANSWER

34

### Disability Answer- 300

- What is False?
- Body as a whole is LOWEC analysis, i.e., before and after capacity.



35

### Disability Question- 400

- Disability test for scheduled member claims.

ANSWER

36

### Disability Answer- 400

- What is "Industrial Loss of Use?"
- Whether claimant can perform the "substantial acts of her usual employment".



37

### Disability Question- 500

- The method of determining disability in body as a whole cases.

ANSWER

38

### Disability Answer- 500

- What is  $66 \frac{2}{3}$  of the difference in AWW and after wage earning capacity ?
- 71-3-17(25) "Other cases"



39

### Misc. Question- 100

- What days of the week are settlements normally heard.

ANSWER

40

### Misc. Answer- 100

- What are Tuesdays and Wednesdays?



41

### Misc. Question- 200

- Third party settlements after suit is filed are approved here.

ANSWER

42

### Misc. Answer- 200

- What is the court where the suit is pending?
- If no suit filed, then approved at Commission like others.



43

### Misc. Question- 300

- A Claimant who returns to work not at full pay and has not yet reached MMI may be entitled to this.

ANSWER

44

### Misc. Answer- 300

- What is Temporary Partial Disability?
- 66 2/3% AWW and earnings thereafter
- Requires bi-weekly records
- TRIVIA: only disability not in 71-3-17



45

### Misc. Question- 500

- Selection of treating physician can be found in these two places.

ANSWER

46

### Misc. Answer- 500

- What are §71-3-15(1) &
- General Rule 9



49

### Fingers Question- 200

- The name for numerals 0-9 also refers to fingers and toes.

**ANSWER**

52

### Fingers Answer- 200

- What is a Digit?



53

### Fingers Question- 300

- Name for individual bones of the fingers.

**ANSWER**

54

### Fingers Answer - 300

- What are "Phalanges"?

- Miss. Code Ann. §71-3-17(18)



55

### More on Phalanges

- Loss of first bone = 50% to finger.
- Loss of two bones = 100% to finger.
- Same applies to bones of the toes.



56

### Fingers Question -500

- AMA uses these names for Fingers.

**ANSWER**

59

## Fingers Answer- 500

What are:

Thumb, Index, Middle,  
Ring, and Little



60

## Two Names for Fingers

### MWCC

- 1. Thumb
- 2. First
- 3. Second
- 4. Fourth
- 5. Fifth

### AMA

- 1. Thumb
- 2. Index
- 3. Middle
- 4. Ring
- 5. Little



61

## Questions?



62

# MASI LEGAL JEOPARDY

## Round Two

1

Recent Case Law	The Commission	The Commission	Vocational	Vocational & Misc.
100	100	100	100	100
200	200	200	200	200
300	300	300	300	300
400	400	400	400	400
500	500	500	500	500

2

### The Commission Question 100

- The Newest Commissioner.

**ANSWER**

13

### The Commission Answer- 100

- Who is the Hon. Debra Gibbs?



14

### The Commission Question- 200

- Person to contact when you need a calculation.

**ANSWER**

15

### The Commission Answer- 200

- Who is Ray Minor until 11/1/2010?
  - [rminor@mwcc.state.ms.us](mailto:rminor@mwcc.state.ms.us)
  - 601-987-4205
- Who is Connie Mills after 11/1/2010?
  - [cmills@mwcc.state.ms.us](mailto:cmills@mwcc.state.ms.us)
  - 601-987-4280



16

### The Commission Question- 300

- The most senior Administrative Judge.

**ANSWER**

17

### The Commission Answer- 300

- Who is Hon. Denise Turner Lott.



18

### The Commission Question- 400

- These individuals set Hearings.

**ANSWER**

19

### The Commission Answer- 400

- Who are The Legal Assistants?



20

### The Commission Question- 500

- The person to call with questions about the Fee Schedule.

**ANSWER**

21

### The Commission Answer- 500

- Who is Connie Mills?

[cmills@mwcc.state.ms.us](mailto:cmills@mwcc.state.ms.us)  
601-987-4280



22

### The Commission Question- 100

- To find the current weekly maximum or mileage rate.

**ANSWER**

23

### The Commission Answer- 100

- What is the Commission Website?

[www.mwcc.state.ms.us](http://www.mwcc.state.ms.us)  
News and Information  
Maximum Benefit and Mileage  
Rate Charts



24

### The Commission 200

- This person is famous for using this quote:
- "Laws are like sausages, it is better not to see them being made".

**ANSWER**

25

### The Commission 200

- Who is Commissioner Junkin?



26

### The Commission 300

- Who approves all settlement.

**ANSWER**

27

### The Commission Answer- 300

- Who are The Commissioners?
- Judges can also approve.



28

### Vocational Question- 100

Used to determine worker's rehab potential and wage earning capacity.

**ANSWER**

33

### Vocational Answer- 100

- What is a vocational evaluation?



34

### Vocational Question- 200

- This is used to determine the availability of employment and wage earning capacity in the worker's area.

**ANSWER**

35

### Vocational Answer- 200

- What is a job survey?



36

### Vocational Question- 300

- Should be used when an injured worker has little education and questions exist regarding academic functioning.

**ANSWER**

37

### Vocational Answer- 300

- What is vocational/academic testing?



38

### Vocational Question- 400

- Amount of employment opportunities when:
- Has 6<sup>th</sup> grade education
- Light/sedentary restrictions
- Worked as a welder and painter, &
- Resides in Buckatunna, MS

**ANSWER**

39

### Vocational Answer- 400

**What is  
Not Much?**



40

### Vocational Question- 500

- This is considered the bible of vocational rehab consultants re:
- Job descriptions
- Physical demands, and
- Educational requirements

**ANSWER**

41

### Vocational Answer- 500

- What is the

Dictionary of Occupational Titles, U.S.  
Dept. of Labor



42

### Voc. & Misc. Question 100

- Can an injured worker with "light" demand of lifting and needs to sit/stand as needed, perform most light work?

**ANSWER**

43

### Voc. & Misc Answer 100

- No.
- Most light work requires the ability to stand frequently/constantly throughout the day.



44

Voc. & Misc. Question- 200

- When an employer modifies the claimant's job and there is a question of LOWEC outside of the existing employer in the labor market.

**ANSWER**

45

Voc. & Misc. Answer- 200

- A vocational evaluation should be considered even when the injured worker returns to work with the employer.



46

Voc. & Misc. Question- 300

Should injured worker list limitations on job applications?

**ANSWER**

47

Voc. & Misc. Answer - 300

- ADA does not require
- Should put "will discuss at interview"
- If he lists limitations he may be eliminated even though capable



48

Voc. & Misc. Question- 400

Waiting period for award for facial disfigurement.

**ANSWER**

49

Voc. & Misc. Answer- 400

- What is one year?
- 



50

### More on Disfigurement

- Only for "serious" facial or head
- Up to \$2,000.



51