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LETTERS

To the Editor

Workers' Compensation Point Overlooked

I read the article on Workers' Compensation (NYLJ, March 2, page 1) with some interest, as a substantial part of our practice involves representing injured workers before the New York State Workers' Compensation Board.

A point that was unfortunately not made clear in the article is that the governor's bill would substantially reduce benefits payable to most injured workers.

The governor proposes a rate increase from \$400 per week to \$500 per week over a three-year period. Interestingly, while proposing a 20 percent rate increase (which in practice is actually a benefit reduction due to other provisions of the bill) for those injured on the job, the governor is simultaneously proposing a 100 percent increase in the New York State Disability Benefits rate from \$170 per week to \$340 per week. Apparently the governor feels that those who are injured or become ill off the job are more in need of an increase than those who are injured in the service of their employers.

Under current law, a worker who suffers a permanent loss of function of a limb (hands, feet, arms, leg, fingers, toes), permanent vision loss or hearing loss is entitled to payment of a "schedule loss" award at the worker's maximum compensation rate, which may be \$400 per week if the worker earns \$600 per week or more. Under the governor's bill, however, payment for such permanent injury is to be made at half of the maximum rate, which is more than a one-third cut in payments from what the injured worker would receive under the current statute.

Likewise, if a worker is permanently disabled from work, under current law they are entitled to payment for as long as the disability is ongoing.

Under the governor's bill, however, payments are to be capped at (at most) 9.5 years. Apparently at the end of that term the worker is to be left to the mercy of his or her family, charity or public assistance.

In addition, the governor's bill would put the insurance industry in charge of medical treatment for thousands of injured workers, which would obviously lead to substandard medical care.

This bill breaks the faith that has been the underpinning of the Workers' Compensation Law for almost a century, which is that injured workers are to be speedily and fairly compensated for wage loss and medical treatment resulting from an on-the-job injury.

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