

2025 Worker's Compensation Update:

The More Things Change . . .

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Anatomy of a Claim

Conditions of Liability

- Injury
- Employment Relationship
- Course of Employment (time, place, circumstance of injury)
- Arising out of Employment (cause of injury must not be idiopathic)

Anatomy of a Claim

Coverages

- Treatment
- Disability
- Disfigurement
- Vocational Retraining
- Death
- Unreasonable Refusal to Rehire
- Safety Violation
- Bad Faith/Late Payment

Life of a Claim

“Filing” for worker’s compensation

- Notice of Injury
- Reporting to Insurance Carrier
 - Treatment outside of work
 - More than three days off work



Life of a Claim

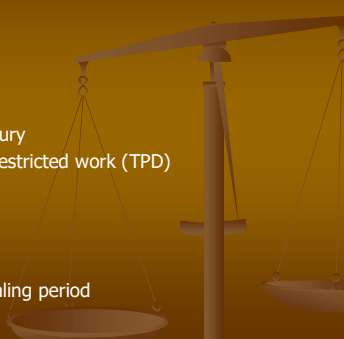
Investigation

- Accident reports
- Job descriptions
- Ergonomic studies
- Environmental studies (noise, air)
- Wage information (new calculation for part-time employees)



Life of a Claim

- Treatment
- Healing Period
 - Recovering from injury
 - Off work (TTD) or restricted work (TPD)
- Communication
 - Returning to work
 - Earnings during healing period



Life of a Claim

"Closing" a claim

- Final Medical Report (WKC-16)
- Payment of permanent disability (PPD)
- Future disability, treatment?

Life of a Claim

Disputes

- Denial of liability
- Hearing Application
- Administrative hearing
- Appeals (administrative, judicial)
- Award or denial of compensation

Increased or Decreased Compensation

- 15 percent reduction in disability benefits (up to \$15,000) when injury is caused by an employee's violation of a safety statute, rule, or policy.
- 15 percent increase in disability benefits (up to \$15,000) when injury is caused by the employer's violation of a safety statute or rule.
- Effective March 2, 2016: No compensation for disability or death when violation of drug or alcohol policy is a cause of injury.

2024 Amendments

- **Maximum PPD Rate Increases**
 - \$438 starting March 24, 2024
 - \$446 starting January 1, 2025
- **Statute of Limitations**
 - Time period to file a hearing application
 - Starts to date of injury, last payment for disability, or date compromise is approved
- **Advanced payments for PPD**
 - No interest credit
 - Unless advancement is requested and approved

On the Horizon

- **Minimum PPD ratings**
- **Supplemental benefit rate increase**
- **Audiologist reports in hearing loss cases**
- **Treatment guidelines**

Questions?

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